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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-28968-2022 (O&M)

Date of Decision: 16.05.2023

RAJWINDER KUMAR @ VICKY

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naveen Batra, Advocate for the petitioner.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.2 dated 09.01.2021 registered under Sections 22 and 29 NDPS Act, 1985 at Police Station Kathgarh, District SBS Nagar. The petitioner is in custody since his arrest on 09.01.2021.

As per prosecution, on 09.01.2021, a secret information was received by the police and acting upon the same, petitioner and co-accused Rajwinder Singh @ Rinku were apprehended and upon search, 120 injections of Buprenorphine and 120 injections of Avil were recovered from polythene bag, which was kept by them.

Learned counsel has argued that the petitioner is in custody and the trial has not concluded yet, as only two prosecution witnesses have been examined out of total twenty witnesses so far. He states that the petitioner is not involved in any other case of similar nature, and prays that the petitioner be granted the concession of regular bail.

Learned State counsel assisted by ASI Chandan Kumar has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity, therefore, the petitioner does not deserve the concession of regular bail. However, according to him, the charges in this case were framed on 24.05.2022 and eighteen prosecution witnesses still remain to be examined.

After hearing the learned counsel for the parties and considering the above background, this Court finds that as per prosecution, the quantity recovered from the petitioner is commercial in nature, therefore, at this stage, this Court does not find it to be a fit case for extending the concession of regular bail to the petitioner.

Dismissed.

16.05.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No