

S. No.219

2023:PHHC:155130

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37205 of 2023

Date of Decision:05.12.2023

Ravinder Singh @ Sonu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Narinder S. Lucky, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.265 dated 01.09.2020 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station City Phagwara, District Kapurthala.

As per prosecution allegations, petitioner along with co-accused was found in possession of 95 vials of intoxicating powder having salt of *Buprenorphine Hydrochloride*, total weighing 190 ml; apart from 104 injections of Avil of 10 ml each, containing salt of *Pheniramine Maleate*.

It is contended by learned counsel that petitioner has been falsely implicated; that it is debatable as to whether the recovered contraband was in the conscious possession of the petitioner or not. It is also contended that the salt of *Pheniramine Maleate* is not covered under the NDPS Act. Learned counsel also contended that petitioner is in custody for the last more than 01 year and 08 months and trial may take long time to conclude.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of the respondent- State. Custody certificate has been placed on record.

As per custody certificate, petitioner is in custody for the last 01 year 08 months and 25 days. Custody certificate also reveals that petitioner is not involved in any other case pertaining to the NDPS Act.

It is conceded by learned State Counsel that salt of *Pheniramine Maleate* is not covered under the NDPS Act. However, bail petition is opposed by him by submitting that the recovered quantity of *Buprenorphine Hydrochloride*, total weighing 190 ml is much higher than the commercial quantity. At the same time, it is informed by learned State Counsel that though charges have been framed but out of 12 witnesses cited by the prosecution, not even a single witness has been examined so far.

Having regard to the custody period of the petitioner and the fact that not even a single witness has been examined so far and the trial may take long time to conclude, rigour of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution providing for fundamental right to life and liberty, of which speedy trial forms a part. Consequently, without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

December 05, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No