

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213

CRM-M 47397 of 2022

Date of Decision: 13.02.2023

Mohit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Pardeep Goyal, Advocate for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

GURBIR SINGH, J (ORAL)

The petitioner has filed the present petition praying for grant of regular bail in case FIR No.559 dated 14.12.2021, under Sections 29/22(c)/61/85 of NDPS Act, registered at Police Station Adarsh Nagar, Faridabad.

As per the allegations, the petitioner was apprehended on receipt of the secret information and 20 injections of Buprenorphine were recovered from the petitioner.

Learned counsel for the petitioner submits that the petitioner is in custody since 14.12.2021. He further submits that the injections recovered were for his personal use and that the contraband is of commercial quantity and that he is not involved in any other case. He has relied upon the judgment of this Court in *Sukhwinder Singh @ Vicky Vs. State of Punjab, 2021(1) R.C.R. (Criminal) 177*.

On the other hand, learned State counsel has vehemently opposed the application stating that the recovery effected from the petitioner is of commercial quantity. The challan has been presented and charges are framed. It is stated that no PW is examined so far.

Heard.

The petitioner is stated to be in custody since 14.12.2021 and the investigation of the case is complete. He is not involved in any other case. The alleged recovery of 20 injections of Buprenorphine containing 2 mls each although falls in the category of commercial quantity but the case of the petitioner can be considered in view of judgment of this Court in *Sukhwinder Singh @ Vicky's case (Supra)*. At this stage, it is debatable, whether without any medical prescription, less than 100 doses of such like psychotropic substance could be retained by the petitioner on having been found in possession of the same in the light of provisions of Section 66 of NDPS Act.

Taking note of the custody period of the petitioner and the fact that trial is not likely to be concluded in near future, in my opinion, no useful purpose would be served by detaining the petitioner behind bars any further. The petition, as such, is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Illaqa Magistrate/Duty Magistrate concerned.

If any attempt whatsoever is made by the petitioner to contact/threaten/intimidate any member of the complainant's family (also the family of the petitioner), the complainant/State shall be at liberty to move an application for cancellation of bail granted vide this order.

February 13, 2023

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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No