

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

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CRM-M-55195-2022

Date of decision: 18th May, 2023

Avnish Sharma

Petitioner

Versus

Union Territory Chandigarh

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vivek Kathuria, Advocate for the petitioner.
Mr. J.S. Toor, APP, UT Chandigarh.

AVNEESH JHINGAN, J (Oral):

1. This second petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 189 dated 17.10.2020 under Section 21 & 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, the NDPS Act) registered at Industrial Area, Chandigarh. First petition was dismissed as withdrawn.
2. On 17.10.2020, the petitioner was apprehended by the police party and on checking 25 injection of Pheniramine Maleate, 25 injections of Buprenorphine and 01.58 gms Cocaine were recovered from his conscious possession.
3. Learned counsel for the petitioner submits that it is a case of false implication. The petitioner was picked by the police on 16.10.2020. He argues that the petitioner is in custody since 17.10.2020 and the trial is not progressing at decent pace. He further submits that the petitioner is not involved in any other case under the NDPS Act.

4. Learned Counsel for UT Chandigarh opposes the prayer for grant of bail and submits that recovery was of commercial quantity. He further submits that out of nineteen prosecution witnesses five have been examined. However, on instructions fairly submits petitioner is not involved in any other case under the NDPS Act.

5. It is clarified that observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

6. Without commenting upon the merits of the case, having conspectuous of the facts, considering that conclusion of trial is likely to take time, the petitioner is not involved in any other case under the NDPS Act and the Supreme Court in *SLP (Crl.) No. 6690 of 2022-Dheeraj Kumar Shukla vs. The State of Uttar Pradesh*, decided on 25.1.2023 and in *SLP (Crl.) No. 1166 of 2023 Chet Ram @ Ram Veer vs. Union of India* decided on 15.3.2023 considering the custody period and the fact that conclusion of trial is likely to take time granted bail, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

7. The petition is allowed.

8. Since the main case has been allowed, the pending application(s), if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

18th May, 2023

anuradha

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No