



CRM-M-46874-2023

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

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Date of Decision:- 08.08.2024

Ankit

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ankur Lal, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J.

1. The petitioner – Ankit has filed third petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.138 dated 08.03.2022, under Section 18-A, 18 (c), 27, 28 of Drugs and Cosmetics Act, 1940 and Section 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kheripul, District Faridabad.
2. As per facts of the case, on 08.03.2022 ASI Shiv Kumar and police party received information about present petitioner Ankit that he was carrying intoxicant injections and was proceeding from his house to Amma Hospital, Sector 88 Faridabad. On the basis of this information naka was organised and present petitioner-Ankit was apprehended and from his possession 46 injections of Buprenorphine Injection IP Leegesic (2 ML) and six injections of Pheniramine Maleate IP Avil (10 ML) were recovered and he could not produce any license for keeping said intoxicant material. Therefore, it is a case of total recovery of 92 ML of

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Buprenorphine Injection and six injections of Pheniramine Maleate.

3. Learned counsel for petitioner argued that petitioner is falsely implicated in this case. He is in custody since 08.03.2022. Two of his regular bail applications were withdrawn. Copies of order passed in CRM-M-60255-2022 and CRM-M-28440-2023 are Annexure P-2 and P-3 respectively. He is in custody since long. Trial of this case may take long time. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

4. Learned counsel representing State opposed the bail application. It is pointed out that it is a case of recovery falling in commercial quantity. He was apprehended on the spot and intoxicant injections were recovered from his possession. Report of RFSL is annexed as Annexure R-3. Considering the gravity of offence, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. It is a case of recovery of Buprenorphine and Pheniramine Maleate Injections and said recovery falls in commercial quantity. Considering the stringent provisions of Section 37 of NDPS Act, petitioner is not entitled to be released on bail. However, he is behind the bars since 08.03.2022, considering his custody for a period of about 2 ½ years, learned trial Court is directed to expedite the trial by giving short adjournments.

6. Petition is, accordingly, disposed of.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

08.08.2024*Sunil Devi***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No