



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

CRM-M-721-2025

Date of Decision: 16.01.2025

Rashid

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. S.K.Tripathi, Advocate
 for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.374 dated 31.10.2023 registered under Sections 22(b)/61 of Narcotic Drugs and Psychotropic Substance Act, 1985, at Police Station Sarai Khwaja, Faridabad, District Faridabad.

2. Learned counsel for the petitioner contends that as per the case of the prosecution, Manish Nain and Naveen were apprehended at the spot while they were carrying 5 injections of Buprenorphine of 2 ml each i.e. total 10 ml quantity was recovered from the car. Learned counsel further contends that the said quantity does not fall within the ambit of commercial quantity and the rigors of Section 37 of NDPS Act would not apply to the facts of the present case. He further contends that as per the case of the prosecution, Wasim and Rahul had allegedly supplied the contraband to Manish Nain and Naveen. It has



been further alleged that the petitioner had supplied the injections to Wasim and Rahul. He further contends that Manish and Naveen, co-accused have already been granted the concession of bail by this Court. The petitioner was arrested in the present case on 11.09.2024 and is in custody for the last about 04 months.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. It is not in dispute that the quantity of Buprenorphine, recovered from the petitioner, falls within the ambit of non-commercial quantity. The petitioner is stated to be in custody for the last about four months and the investigation has already been completed. Thus, no purpose will be served by keeping the petitioner behind bars.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

16.01.2025
hemlata

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No