

**CRM-M-7007-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.216****Case No. : CRM-M-7007-2025****Decided On : May 13, 2025**

Kulwinder Kumar @ Chiri Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

* * *

Present : Mr. Mitul Singh Rana, Advocate
for the petitioner.

Mr. P. S. Pandher, AAG, Punjab.

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SUKHVINDER KAUR, J. :

Prayer in the present petition, filed under Section 483 of the BNSS, 2023 is for grant of regular bail to the petitioner, in case FIR No.67 dated 25.06.2024, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as – NDPS Act), registered at Police Station Mehtiana, District Hoshiarpur (Annexure P-1).

Briefly, the case of the prosecution is that on 25.06.2024, the petitioner was apprehended by the police party with his Bolero Car and one polythene envelope containing 10 intoxicant injections without label were recovered, on the basis whereof, the petitioner was arrested.

Learned counsel for petitioner has contended that the petitioner has been falsely involved in the present case. Even the alleged recovery effected from the petitioner does not fall within the commercial quantity and

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as such, rigors of Section 37 of the NDPS Act are not attracted. He has further urged that trial of the case is likely to take time. Therefore, the petitioner be granted concession of regular bail.

While issuing notice of motion on 01.05.2025, respondent-State was directed to file Status Report and Custody Certificate, which have been filed today in the Court and the same are taken on record.

Learned State counsel, while referring to the Status Report, has opposed the bail petition while contending that substantial quantity of intoxicant injections was recovered from the petitioner. Some other cases are also pending against the petitioner. So, he does not deserve the concession of bail.

I have heard the learned counsel for the parties and have also gone through the case file.

As per the allegations, 10 intoxicant injections without label, having salt Buprenorphine 19.940 grams, were allegedly recovered from possession of the petitioner, without any permit or license, which does not fall within the commercial quantity, so as to attract rigors of Section 37 of the NDPS Act. As per the Custody Certificate placed on record, the petitioner has already undergone custody of 08 months and 09 days. Trial of the case is going on and conclusion of the same is likely to take time. So, no useful purpose would be served by further detaining the petitioner behind the bars.

Accordingly, the present petition is allowed and the petitioner is ordered to be admitted on regular bail, on furnishing adequate bail bonds and surety bonds, to the satisfaction of concerned learned Trial Judge/Chief



Judicial Magistrate/Duty Magistrate.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

May 13, 2025
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(SUKHVINDER KAUR)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>