

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-M-30163-2024 (O&M)
Date of Decision:- 06.03.2025

IMRAN

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Charitar Kadiyan, Advocate for
Mr. Vinod Kumar Kaushal, Advocate for the petitioner.

Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

1. Status report dated 18.11.2024 filed in the form of an affidavit of Assistant Commissioner of Police, Ballbgarh, District Faridabad is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
847	17.12.2022	22-C NDPS Act	Sector 8, Faridabads

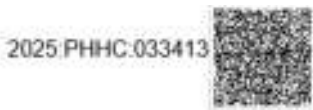
4. It is, *inter alia*, contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 17.12.2022 and has no criminal antecedents. He further submits that after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time. Thus prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report filed by the State has assailed these arguments and submitted that the petitioner was apprehended by the Police and was found in conscious possession of 14 Buprenorphine Injection I.P.5 x 2 ml, which falls within the purview of commercial quantity, thus, he is not entitled to the concession of bail.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution on 17.12.2022, the police received a secret information that the petitioner, indulged in sale of narcotic injections, could be apprehended. Thereafter, the police party stopped an auto rickshaw in which the petitioner was travelling. After completion of formalities, as required to be followed under the NDPS Act, a search was conducted and the petitioner was found in conscious possession of 14 Buprenorphine Injection I.P.5 x 2 ml, bupine batch No.22406 and Mfg dated 07/2022, Exp. Dte 06/2024 without any licence or permit. Accordingly, the petitioner was arrested at the spot and till date he is in judicial custody. Admittedly, the recovery effected from the petitioner falls within the ambit of commercial quantity, therefore, attracts the rigors of Section 37 of the



NDPS Act.

7. Therefore, in these circumstances, considering the serious nature and the fact that commercial quantity of narcotics has been recovered from the conscious possession of the petitioner, he is not entitled to the concession of bail at this stage. Accordingly, the present petition is dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

06.03.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No