

Law Today Live Doc. Id. 15236

PUNJAB AND HARYANA HIGH COURT

Before: Hari Pal Verma, J.

Criminal Misc. No.M-7818 of 2020

Decided on: 17.08.2020

Karamjit @ Bobby

Petitioner

Versus

State of Punjab

Respondent

Present:

Mr. Ashok Giri, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Narcotic Drugs and Psychotropic Substances, Act, 1985 (61 of 1985), Section 22 -- Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- NDPS matter -- Regular bail -- Recovery of 18 injections of Buprenorphine of 2 ml each -- Though 18 injections of Avil of 10 ml each were also recovered from the petitioner, but the same do not fall within the ambit of NDPS Act -- No other case pending against the petitioner and he is in custody since 19.06.2019 -- Considering the fact that trial in the case will take sufficient long time, petitioner released on regular bail.

(Para 6)

HARI PAL VERMA, J. (ORAL) –

1. The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

2. The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.219 dated 19.06.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act") registered at Police Station Phillaur, District Jalandhar Rural.

3. Learned counsel for the petitioner has argued that the allegation against the petitioner is that he was found in possession of 18 injections of Buprenorphine of 2 ml each and 18 injections of Avil of 10 ml each. He has submitted that the salt Avil does not fall under the category of NDPS Act. There is no other case pending against the petitioner and he is in custody since 19.06.2019.

4. Learned State counsel has filed the custody certificate through email and does not dispute the custody of the petitioner.

5. I have heard learned counsel for the parties.

6. The alleged recovery made from the petitioner was 18 injections of Buprenorphine of 2 ml each. Though 18 injections of Avil of 10 ml each were also recovered from the petitioner, but the same do not fall within the ambit of NDPS Act. There is no other case pending against the petitioner and he is in custody since 19.06.2019. Considering the fact that trial in the case will take

sufficient long time, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Petition allowed.
