

Rajesh Kumar Vs. State

Present: Sh.Vipan Sharma, Adv., counsel for applicant/accused
Rajesh Kumar.
Sh.Balwinder Singh, Id.PP for State.

The Id.counsel for accused has moved present application for bail by submitting that the applicant/accused is in judicial custody since 4.12.2019. The alleged recovery from the applicant is of 10 injections of Buprenorphine Bupine of 2 ml. each and 10 injections of Avil Phenarmine Maleat of 10/10 ml. each. The applicant was allegedly apprehended and police did not associate any independent witness from the locality, although it was 7.45 P.M. and all around people were available. The applicant has no connection with the intoxicants recovered from him. The police has violated the conditions of section 50 of NDPS Act while effecting recovery and he has been falsely implicated in the present case. As such, he be released on bail.

It is argued by the Id.counsel for applicant/accused that recovery effected from the accused is non commercial. He is in custody since the date of registration of the FIR i.e. 4.12.2019. Hence, he be released on bail.

On the other hand it is argued by the Id.PP for State that 10 injections of Buprenorphine Bupine of 2 ml. each and 10 injections of Avil Phenarmine Maleat of 10/10 ml. each have been recovered from the accused. The recovery of 10 injections of Buprenorphine Bupine of 2 ml. each falls in commercial category. Hence, accused be not released on bail.

I have heard the Id.PP for State and Id.counsel for applicant/accused.

The recovery of 10 injections of Buprenorphine Bupine of 2 ml. each and 10 injections of Avil Phenarmine Maleat of 10/10 ml. each has been effected from the accused. The recovery of 10 injections of Buprenorphine Bupine of 2 ml. each falls in commercial category. The report of Chemical Examiner is still awaited. As such, the applicant/accused is not entitled to concession of bail and his bail

application is hereby dismissed. File be consigned to the record room.

Announced:

Dated : 9.1.2020

Rakesh Kumar, JW

(Kuldeep Singh Cheema)

Judge, Special Court, Hoshiarpur

UID No.PB0143