

CNR No.PBFG010004702018

BA/134/2018

State Vs. Rajesh Kumar

Present: Sh.K.S.Mattu, Advocate for accused/applicant
Sh.Hardeep Singh, Public Prosecutor for the State

1. This order will dispose off first regular bail application filed by the applicant Rajesh Kumar in a case arising out of FIR No.168 dated 7.12.2017, under section 22 of NDPS Act registered at police station Sirhind.

2. Heard. Record perused.

3. Perusal of the record would show that the applicant is facing charge for the alleged commission of offence punishable under Section 22 of the NDPS Act for the recovery of 25 injections of Buprenorphine IP (Omgesic) and 20 bottles of Avil. As per report of the District Drugs Inspector 25 Injections of 2 Ml each the quantity of salt Buprenorphine Hydrochloride I.P is 15.00 mg. The volume of one injection of Buprenorphine is 2 ml. So the total volume of 25 injections is 50 mls. which falls within the quantitative limit of commercial quantity.

4. Learned counsel for the applicant, on the other hand, contends that 25 injections of Buprenorphine do not fall under the prohibition of NDPS Act. Unless report of the Chemical Analysis is received the component and weight cannot be ascertained. A prayer is

made for allowing the bail application.

5. Heard. Record perused.

6. No doubt the report of Chemical Analysis is awaited. The prosecution comes up with the version of recovery of 25 injections of 'Buprenorphine IP' and 20 bottles of Avil were recovered. At this stage there is no valid ground to disbelieve the version of prosecution that 25 injections contained Buprenorphine Hydrochloride salt were recovered. As per report of Drug Inspector dated 29.1.2018 ordinary injection Omegesic contain Buprenorphine Hydrochloride I.P. salt 2 ml.. In this manner the quantity of 'Buprenorphine Hydrochloride' amounts to 50 Mls. which falls within the quantitative limit of commercial quantity.

7. Keeping in view the fact that it is a prima facie case of recovery of commercial quantity of Psychotropic substance from the accused, therefore this court finds no reason to grant bail to the applicant and the bail application of the applicant stands dismissed.

Bail application file be attached with the main papers.

Pronounced
19.2.2018

(Navjot Kaur)
Additional Sessions Judge,
Fatehgarh Sahib (UID NO.PB0067)

Sorbh Singla,
Judgment Writer(Jr.Grade)