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**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CRM-M-36940-2024  
Date of decision:-24.03.2025**

**SUKHRAJ SINGH ALIAS RAJA****... Petitioner****Versus****STATE OF PUNJAB****... Respondent****CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.**

Present:- Mr. Kulwinder Singha, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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**SANJIV BERRY, J. (ORAL)**

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

<b>FIR No.</b>	<b>Dated</b>	<b>Sections</b>	<b>Police Station</b>
0065	11.07.2023	22, 29 of the NDPS Act	Garhdiwala, District Hoshiarpur

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. He contends that the petitioner has no concern whatsoever with the alleged recovery and is in custody since 11.07.2023 and after completion of investigation challan has already been presented in Court, and conclusion of trial will take sufficient long time. Hence, prays for grant of regular bail to



the petitioner.

3. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that during search, 500 grams intoxicant powder and 13 injections of Buprenorphine were recovered from petitioner and 500 grams of intoxicant powder alongwith 12 injections of Buprenorphine were recovered from co-accused Satpal Singh @ Sabi. He submits that the alleged recovered contraband falls within the purview of commercial quantity, which attracts Section 37 of the NDPS Act, as such, the petitioner is not entitled to the concession of bail. Hence, prayed for dismissal of the regular bail petition.

4. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered by the police to the effect that while on patrolling police party saw one Innova car bearing No.PB-08-CP-5855, which was stopped and during checking 500 grams intoxicant powder and 13 injections of Buprenorphine were recovered from petitioner and 500 grams of intoxicant powder alongwith 12 injections of Buprenorphine were recovered from co-accused Satpal Singh @ Sabi which were sent to FSL and as per FSL report dated 19.10.2023 the recovered powder from the petitioner was Acetaminophen, whereas the injection ampoule recovered from him contained salt Buprenorphine Hydrochloride, the quantity where of was found to be containing 1.994 gram in each ampoule. As per the case of the prosecution 13 injection ampoule were recovered from the present petitioner and in this manner the recovery of salt Buprenorphine Hydrochloride comes to 25.923 grams, which falls within the purview of



‘commercial quantity’ and attracts bar under Section 37 of the NDPS Act. Considering the nature and gravity of the offence, and also the fact that the recovered contraband falls within the purview of ‘commercial quantity’, attracting bar under Section 37 of the NDPS Act, no case is made out in favour of the petitioner for grant of regular bail at this stage, as a consequence, the petition is hereby dismissed.

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

**(SANJIV BERRY)**  
**JUDGE**

**24.03.2025**

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