

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-7844-2020

Date of Decision:25.01.2021

Bikkar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Ms. Manjot Kaur, Advocate for
Mr. Satnam Singh Gill, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, AAG Punjab.

HARI PAL VERMA, J.(Oral)

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

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.168 dated 23.08.2018 under Sections 15/18 of the NDPS Act, 1985, registered at Police Station City Samana, District Patiala.

On the basis of secret information, the present FIR was registered against the petitioner on the allegations that the petitioner along with other co-accused jointly deal in smuggling of poppy husk and opium. They were bringing poppy husk and opium from Madhya Pradesh side in a car bearing registration No.DL-3C-AQ-4676, make Accent, colour white. The petitioner along with other co-accused were apprehended in possession

of 76 kgs. of poppy husk and 250 grams of opium.

Learned counsel for the petitioner submits that the petitioner is in custody since 23.08.2018 and the aforesaid recovery, as reflected in the FIR, was effected from three accused. Though, there is another case against the petitioner i.e. FIR No.173/2017 under Section 18 of the NDPS Act, Police Station Patran, for recovery of 1kg. of opium from the possession of the co-accused, but the petitioner is on bail in that case. She further submits that co-accused Mangu Singh and Avtar Singh have been admitted on regular bail by this Court vide order dated 17.11.2020 passed in **CRM-M-47030-2019(Mangu Singh Versus State of Punjab)** and **CRM-M-48421-2019(Avtar Singh Versus State of Punjab)**, respectively and in view of prevailing COVID-19 pandemic, conclusion of trial is not likely to be concluded in the near future.

Learned State Counsel does not dispute the custody period of the petitioner. However, he submits that the petitioner is involved in another case i.e. FIR No.173/2017 and therefore, he is not entitled for bail.

Heard learned counsel for the parties.

Co-accused Mangu Singh and Avtar Singh have been admitted on regular bail by this Court vide order dated 17.11.2020 passed in **CRM-M-47030-2019** and **CRM-M-48421-2019**, as there was no other case against them. Though, there is another case against the petitioner i.e. FIR No.173/2017 under Section 18 of the NDPS Act, Police Station Patran, for recovery of 1kg. of opium from the possession of the co-accused, but he is on bail in that case. In view of prevailing COVID-19 pandemic, trial in the case is not likely to be concluded in the near future. Noticing the fact that the petitioner is in custody since 23.08.2018 (i.e. for about 02 years, 04 months and 28 days) and the alleged recovery in the present case is 76 kgs.

of poppy husk along with 250 grams of opium from three accused, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate. He shall report to the concerned Police Station quarterly for a period of one year.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that in case the petitioner is found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail in the present case.

(HARI PAL VERMA)
JUDGE

January 25, 2021
Seema

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No