

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

232

**CRM-M-25324-2021
Decided on : 09.09.2021**

Biwani Singh Sisodia

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Damanjeet Bhoriwal, Advocate
for the petitioner(s).

Mr. P.S. Walia, AAG, Punjab
assisted by ASI Gurmeg Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the third petition filed under Section 439 Cr.P.C. seeking grant of bail to the petitioner, in case FIR No. 230, dated 31.12.2019, registered under Sections 18/20 of the NDPS Act, 1985, lodged at Police Station Sadar Bathinda, District Bathinda.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition on 25th February, 2021, two prosecution witnesses stand examined. It has been submitted that the petitioner has been since 31st December, 2019 and there is no likelihood of the trial concluding anytime in the near future, as only 03 out of the 13 prosecution witnesses cited have been examined so far. He further submits that even otherwise, the petitioner has been falsely implicated in the case in hand for being found in alleged possession of 1.50 Kg. of Charas and 1.00 Kg. of Opium.

Per contra, learned State counsel has while opposing the prayer and submissions made by learned counsel for the petitioner, submitted that it was a case of chance recovery and the aforementioned recovery was effected

from a bag, which the petitioner had placed on his lap. He has further submitted that the recovery of 1.50 Kg. of Charas falls within the category of 'commercial quantity'.

Heard.

In the above facts and circumstances of the case and keeping in view the nature of offences and the fact that the alleged contraband, which was recovered from the conscious possession of the petitioner, falls within the 'commercial quantity', no ground is made out to extend the concession of bail to the petitioner.

Petition stands dismissed. However, anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

At this stage, learned counsel for the petitioner has prayed that since the petitioner has been in custody for almost 01 year and 09 months, therefore, the trial Court be directed to expedite the trial and conclude the same in a time bound manner.

Keeping in view the prayer made by learned counsel for the petitioner, the trial Court concerned is directed to expedite the trial and make endeavours to conclude the same positively on or before 31st March, 2022.

(MANJARI NEHRU KAUL)
JUDGE

September 09, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*