

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

**201**

**Crl. Misc. M-26583 of 2021  
Date of Decision: 20.09.2021**

Mukhtiar Singh @ Bhola

.....Petitioner(s)

vs.

State of Punjab

.....Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE G.S. SANDHAWALIA**

Present:- Mrs. Anupam Bhanot, Advocate,  
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

(Proceedings are being conducted through video conferencing  
as per instructions).

**G.S. SANDHAWALIA, J. (ORAL)**

The petitioner, in his third bail application, seeks regular bail in case FIR No. 193 dated 19.07.2018 (Annexure P-1), P.S. Tarn Taran, District Tarn Taran under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The petitioner, as per the FIR, was proceeding on foot and on seeing the police party got perplexed and had thrown the contraband containing the narcotic drugs on the road side and the same was taken out from the right pocket of his kurta. The same had been checked and 980 tablets containing intoxicating material were recovered.

On an earlier occasion, the petitioner had approached this Court wherein, the matter had been dismissed as withdrawn with liberty to approach the Sessions Court since the regular bail had never been decided and he had been released pending the opinion of the Chemical Expert. Thereafter, the petition was dismissed by the Sessions Court on 04.01.2021, leading to filing of the present petition. The earlier petition had been

dismissed as withdrawn on 28.08.2019.

Counsel has pointed out that even as per the report of the Forensic Laboratory, there were two parcels, one containing 650 loose unlabelled tablets and one containing 330 loose tablets. The first parcel is stated to be containing Tramadol Hydrochloride with quantity of 45.41 mg/tablet. The second parcel is stated to be containing only paracetamol. It is submitted that the petitioner has already been in custody since last 2 years 8 months and 28 days as per the custody certificate dated 20.09.2021 and trial is not likely to conclude in the near future.

Counsel for the State, on the other hand, has opposed the bail application on the ground that the petitioner is an earlier convict having been sentenced for 10 years and is also on bail in another FIR No. 51 dated 16.03.2012. He had also been convicted on other two occasions as such in FIR Nos. 171 and 149 dated 15.09.2006 and 28.08.2009 for nominal period and, therefore, does not deserve the benefit of bail.

It is not disputed that only 4 witnesses have been examined out of 12 witnesses and trial is likely to take some more time. Counsel has submitted that only on account of previous involvement, he has been falsely implicated repeatedly by the police.

Keeping in view the fact that almost a period of 3 years has gone by since the petitioner has been in custody, this Court is of the opinion that the petitioner is liable to be released on bail, in the peculiar facts and circumstances.

Accordingly, the petition is allowed. Petitioner be released on bail to the satisfaction of the CJM/Illaq Magistrate, Tarn Taran.

It is, however, made clear that the said bail will be liable to be

Crl. Misc. M-26583 of 2021-3-

cancelled in case the petitioner is found involved in any other case under the NDPS Act after his release. It will be open to the State to file an appropriate application in this present case on the registration of any such FIR against the petitioner.

20.09.2021  
shivani

(G.S. SANDHAWALIA)  
JUDGE

Whether reasoned/speaking  
Whether reportable

Yes/No  
Yes/No