

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-1814-2022 (O&M)  
Date of decision: 04.11.2022

**Sukhdeep Singh @ Rana**

**... Petitioner**

**Vs.**

**State of Punjab**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mrs. Karamjit Kaur, wife of the petitioner.

ASI Charan Singh.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for grant of regular bail in FIR No.33 dated 06.06.2021 under Section 22 of NDPS Act, registered at Police Station Ajitwal, District Moga.

As per allegations in the FIR, on receiving a secret information that petitioner Sukhdeep Singh @ Rana is involved in selling of intoxicant tablets, information was sent to the police station and FIR was registered and thereafter, recovery of 260 tablets of Etizolam was effected, which falls in commercial quantity.

It is stated in the petition that the petitioner was granted interim bail awaiting the FSL report, which was cancelled on 08.10.2021, when the

challan was presented, however, in the intervening period, he has not misused the concession in any manner. It is further stated that custody of the petitioner, as on today, is 01 year, 01 month and 09 days.

Reliance is placed on the order dated 16.08.2022 passed in **CRM-M-1212-2022 (Gurpreet Singh Vs. State of Punjab)**, wherein the following observations have been made: -

*“Learned counsel for the petitioner contends that as per the case of the prosecution, 80 intoxicating tablets containing the salt of 'Etizolam', had allegedly been recovered from the petitioner; that earlier, 'Etizolam' was not a notified salt under the NDPS Act and notification in this regard was issued only on 23.03.2021, vide which the entry at Sr. No.238ZZC had been added in the Schedule of the NDPS Act; that the above-noted FIR was registered on 11.04.2021 i.e. 18 days after the aforesaid notification, but no publication qua the aforesaid notification had been issued.*

*Learned counsel further contends that the petitioner has falsely been implicated in the present case; that though the extent of recovery of intoxicating tablets allegedly effected in the present case, falls under the commercial quantity, yet the fact remains that the petitioner has been in custody since 11.04.2021 and that out of 11 prosecution witnesses, none has been examined so far. In such circumstances, conclusion of the trial would take a long time. Moreover, the petitioner is not involved in any other case, much*

*less of a similar nature. On this premise, learned counsel prays for the grant of bail to the petitioner. In support of his contentions, learned counsel relies upon the orders delivered by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.5769-2022, titled as 'Nitish Adhikary @ Bapan Vs. State of West Bengal', on 01.08.2022 and Special Leave to Appeal (Crl.) No.4173-2022, titled as 'Shariful Islam @ Sarif Vs. State of West Bengal', on 04.08.2022.*

*On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the aforesaid extent of intoxicating tablets recovered in the present case, falls under the commercial quantity and the case of the petitioner is hit by the bar contained under Section 37 NDPS Act. However, he does not dispute the custody period of the petitioner. It is also submitted that no witness has been examined so far.”*

It is also stated in the petition that in the instant case also, FIR has been registered within three months after issuance of notification and the petitioner was not aware about the same and in fact, salt Etizolam is anti-anxiety medicine, which is being prescribed by the doctor, therefore, the petitioner be granted the concession of regular bail.

ASI Charan Singh is present in the Court and has filed the status report. As per status report, challan was presented on 08.10.2021 and charges were framed on 18.11.2021. It is stated at Bar that till date, no prosecution

witness has been examined.

In view of the above, without commenting anything on merits of the case and considering the fact that despite lapse of about 01 year, when the charges were framed, till date, no prosecution witness has been examined, therefore, there is no likelihood of completion of trial in the near future and also in view of the aforesaid order dated 16.08.2022 passed in **Gurpreet Singh's** case (supra), this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

04.11.2022  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No