

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

201

CRM-M-14497-2021

Date of decision : 05.07.2022

Chandan Gupta

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Harjeet Singh Minhas, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.181 dated 21.10.2019 under Section 22 of the NDPS Act registered at Police Station Adampur, District Jalandhar (Rural).

Learned counsel for the petitioner contends that it is alleged in the FIR that 14,000 intoxicant tablets containing Tramadol with a total weight of 9 Kgs. 72 grams were allegedly recovered from the suitcase carried by the petitioner. The petitioner is in custody for over two years and eight months and is not involved in any other case under the NDPS Act. He also submits that due to Covid-19 pandemic, the trial has virtually come to a standstill. Learned counsel has relied upon the judgments of the Coordinate Benches of this Court in the case of **Kashmir Singh vs. State of Punjab**, in CRM-M-7437 of 2019, decided on 21.02.2019, the petitioner therein had been granted regular bail as he was in custody for over seven months and the judgment in the case of **Karaj Singh versus State of Punjab**, in CRM-M-23811 of 2018, decided on

09.07.2018, the petitioner therein had been granted regular bail after custody of six months.

Learned State counsel has filed the custody certificate in Court, which indicates that the petitioner is in custody for 02 years, 08 months and 10 days as on 04.07.2022. He, upon instructions from ASI Kewal Singh, states that 05 out of 13 prosecution witnesses have been examined. He also submits that in view of the heavy recovery amounting to total weight of 9 kgs.72 grams of Tramadol, the petitioner is not entitled to the concession of regular bail.

Heard.

The allegations against the petitioner are that 14,000 intoxicant tablets containing Tramadol were allegedly recovered from the suitcase carried by him. He is in custody for over two years and eight months and is not involved in any other case under the NDPS Act. Only 05 out of 13 prosecution witnesses have been examined.

The Supreme Court in the case of '*Chitta Biswas Alias Subhas versus The State of West Bengal*' bearing Criminal Appeal No.245 of 2020 decided on 7.2.2020 had granted bail to an accused who was allegedly in possession of contraband of commercial quantity on the ground that he had been in custody for one year and six months and only 4 out of the cited 10 prosecution witnesses had been examined. In another case i.e. *Criminal Appeal No.668 of 2020* titled '*Amit Singh Moni Vs. State of Himachal Pradesh*', the Supreme Court vide its order dated 12.10.2020, had granted regular bail on account of custody of 2 years and 7 months.

In view of the above, I am of the considered view that the petitioner is entitled to the concession of regular bail.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

July 05, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No