

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

**CRM-M-19599-2021
Date of decision: 03.02.2022**

Bittu @ Lallu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. S. Sekhon, Advocate
for the petitioner.

Mr. H. S. Sullar, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 167 dated 12.12.2020, registered under Sections 22 and 29 (added later on) of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Mallanwala, District Ferozepur.

The first petition, bearing CRM-M-10785-2021, was dismissed as withdrawn on 12.03.2021.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that as on today, the petitioner is in judicial custody for the last more than 01 year and 01 month and the trial is not proceeding due to COVID-19 situation in the country.

Learned counsel further submits that as per allegations in the FIR, the police party, headed by ASI Rajpal, it is stated that a secret information was received that the petitioner is habitual of selling intoxicant

tablets and he can be apprehended if a raid is conducted at his house. On receiving such information, a *ruqa* was sent to the police station and thereafter, a raid was conducted and 980 intoxicant tablets were recovered.

Learned counsel further submits that it will be a matter of trial whether despite receiving a secret information, the provisions of Section 50 of the NDPS Act were complied with or not.

Learned counsel further submits that out of total 11 prosecution witnesses, none has been examined so far and conclusion of trial is likely to take a long time.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 01 year, 01 month and 18 days and he is not involved in any other case.

After hearing learned counsel for the parties, without commenting anything on the merit of the case, considering the fact that the petitioner is in judicial custody for the last 01 year, 01 month and 18 days; he is not involved in any other case and also in view of the fact that conclusion of trial is likely to take some time as out of total 11 prosecution witnesses, none has been examined so far, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

03.02.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*