

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

CRM-M-20234 of 2022

Date of Decision: May 18, 2022

Karaj Singh @ Raju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. C.L. Verma, Advocate for the petitioner.

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

VIVEK PURI, J. (Oral)

Petitioner is seeking regular bail in case FIR No.164, dated 30.07.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1885 (for short 'the NDPS Act'), registered at Police Station Sadar Jagraon, District Ludhiana.

Custody certificate of the petitioner filed in the Court today, is taken on record.

Briefly as per the allegations of the prosecution, 1100 tablets of tramadol hydrochloride have been recovered from the possession of the petitioner.

It has been contended by the learned counsel for the petitioner that the petitioner is in custody for a period of 2 years, 6 months and 1 day, only 1 witness out of 10 witnesses has been examined so far, though one witness has been given up and the petitioner is not involved in any other case much less under the NDPS Act.

Learned counsel for the petitioner has sought to rely upon the decision of Hon'ble the Supreme Court rendered in Criminal Appeal

No.668 of 2020 titled as ***“Amit Singh Moni vs State of Himachal***

Pradesh”, wherein bail has been granted to the accused in a case pertaining to the recovery of commercial quantity, after he had completed more than 2 years and 7 months of actual custody.

Learned State counsel has resisted the petition on the score that the total weight of the tramadol recovered from the conscious possession of the petitioner is 451 grams which falls in the category of commercial quantity.

It is no doubt true that the quantity of contraband in the instant case falls in the category of commercial quantity, but in the aforesaid decision of the Supreme Court rendered in **Amit Singh Moni's case (supra)**, bail has been granted to the accused on the ground of long incarceration and particularly when the trial was not progressing. Even in the instant case, the petitioner is in custody for a period of 2 years, 6 months and 1 day and only 1 out of 10 witnesses has been examined so far.

Considering the above and the fact that the trial is likely to consume some more time, sufficient grounds are made out to extent the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

May 18, 2022

sarita

(VIVEK PURI)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No