

RAHUL VERMA @ RAHUL KUMAR
@ CHETAN VERMA

...Petitioner

Versus

STATE OF PUNJAB

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Sahil Puri, Advocate for the petitioner.
Mr. Ayush Sarna, AAG, Punjab.

B.S. Walia, J. (Oral)

[1] Prayer in the second petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during pendency of the trial in case FIR No.62 dated 01.09.2020 registered under Section 22, NDPS Act, 1985 at Police Station Rawalpindi, District Kapurthala.

[2] Leaned counsel for the petitioner contends that the petitioner is in custody since 01.09.2020 i.e. for a period of more than two years one month, that although 3000 tablets of Tramadol were recovered from a polythene bag thrown by the petitioner, the personal search of the petitioner was also conducted but without compliance with the provisions of Section 50, NDPS Act. Learned Counsel relies on the decision of Hon'ble the Supreme Court in **State of Rajasthan vs. Parmanand and another, 2014 (2) RCR (Crl.) 41** and **Sanjeev and another vs. State of HP, (i.e. Criminal Appeal No.870 of 2016, Doc ID No.1955572)** and contends that although the petitioner has been in custody for a period of more than two years one month, yet only 01 witness out of 11

prosecution witnesses has been examined till date, therefore the petitioner is entitled to be released on bail.

[3] Per contra, learned AAG while relying on the decision of Hon'ble the Supreme Court in **State of Punjab vs. Baljinder Singh and another, 2019 (10) SCC 473, Dayalu Kashyap vs. State of Chhattisgarh, 2002 (1) Cri.CC 106 and Narcotics Control Bureau vs. Mohit Aggarwal, 2022 SCC Online SC 891** vehemently opposes the prayer for bail by contending that mere long period of custody will not be a ground in itself for releasing a person-accused of carrying commercial quantity of contraband without satisfying the requirement of Section 37, NDPS Act.

[4] After arguing at length, learned counsel for the parties have arrived at a consensus that the learned counsel for the petitioner does not press the instant petition, instead would be satisfied if the instant petition is disposed of by directing the learned trial Court to expedite the conduct of the trial and conclude the same in a time bound manner.

[5] In view of the position noted above, the instant petition is dismissed as not pressed while requesting the learned trial Court to expedite the conduct of the trial and conclude the same as expeditiously as possible, preferably within five months from today.

[6] Copy of this order be transmitted to the learned trial Court to endeavour to conclude the trial within the stipulated period of time in accordance with law.

(B.S. Walia)
Judge

19.09.2022
'Amit'