

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-43375-2022 in/and
CRM-M-29419-2020 (O&M)
Date of Decision:- 17.11.2022

Kishan Lal Bill

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ruhani Chadha, Advocate, for the applicant-petitioner.

Ms. Swati Batra, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

CRM-43375-2022

In view of the reasons mentioned in the application, the same is allowed and the matter is preponed from 7.2.2023 and is taken on Board today itself.

CRM-M-29419-2020

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 204, dated 24.12.2019, Police Station Sadar, Jalandhar, Police Commissionerate Jalandhar, under Sections 15, 18 of NDPS Act.
2. The allegations, in nutshell, are that the petitioner was found in possession of 1 kg of 'Opium' and 180 kgs of 'Poppy Husk'.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he otherwise enjoys a clean record.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red-handed at the spot and a 'commercial quantity' of 'Poppy Husk' was recovered from him apart from 1 kg of 'Opium', no case for grant of bail is made out. Learned State counsel has however informed that the petitioner as on date has been behind bars since the last about 2 years and 11 months and that as on date only 2 PWs have been partly examined out of the cited 11 PWs. It has also been informed that the petitioner otherwise is not involved in any other case.
5. This Court has considered rival submissions.
6. The petitioner, who was apprehended on 24.12.2019, has been behind bars for a substantial period of about 2 years and 11 months. The conclusion of trial is likely to consume more time inasmuch as only 2 PWs have been partly examined out of the cited 11 PWs so far. Since the petitioner seeks grant of bail mainly on account of long custody, it is apposite to refer to a few judgments of Hon'ble Supreme Court in this regard wherein Hon'ble Supreme Court has granted the concession of bail solely on ground of long custody :-

Case Number	Date of Decision	Title of Case	Period which the accused had undergone when granted bail by Hon'ble Supreme Court.
Criminal Appeal No. 245/2020	07.02.2020	Chitta Biswas @ Subhas Vs. the State of West Bengal	1 year and 7 months
Criminal Appeal No. 668/2020	12.10.2020	Amit Singh Moni Vs. State of Himachal Pradesh	2 years and 7 months

Special Leave to Appeal (Crl.) No. 5769/2022	01.08.2022	Nitish Adhikary @ Bapan Vs. the State of West Bengal	1 year and 7 months
Special Leave to Appeal (Crl.) No. 4173 of 2022	04.08.2022	Shariful Islam @ Sarif Vs. the State of West Bengal	1 year and 6 months
Criminal Appeal No. 1169 of 2022	05.08.2022	Gopal Krishna Patra @ Gopalrusma Vs. Union of India	2 years 1 month and 17 days
Special Leave to Appeal (Crl.) No. 5530-2022	22.08.2022	Mohammad Salman Hanif Shaikh Vs. the State of Gujarat	About 2 years

7. Keeping in view the totality of the facts and circumstances of the case, particularly the long custody and that the petitioner is not involved in any other case under the NDPS Act, the petition merits acceptance. The petition, as such, is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. It is, however, directed that in case the petitioner is found to be indulging in similar offence again, the prosecution would be at liberty to move an application for cancellation of bail before this Court.

17.11.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No