

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

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CRM-M-33388-2022

Date of Decision: 11.11.2022

Vinay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Verma, Advocate,
for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Bhan Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.55 dated 12.05.2019 at Police Station Shambu, District Patiala, under Section 22 of the NDPS Act.
2. As per the prosecution, 97500 tablets of 'Tramadol' were recovered from a car being driven by the petitioner. When the petitioner was apprehended by the police, there was one more occupant Kiyum Ahmed, who was sitting on the front passenger seat. It is further the case of the prosecution that while 50000 tablets contained in a bag were found lying

on the rear seat of the car, another bag containing 47500 tablets was found lying in the boot of the car.

3. Learned counsel for the petitioner has submitted that he had no clue whatsoever as regards the contents of the bags lying in the car, as it is the owner of the car, namely, Ravi, who had kept the same in his car. Learned counsel has further submitted that since co-accused Kiyum Ahmed has already been granted bail, the petitioner also deserves the same concession on grounds of parity particularly when he has been behind bars since the last about 3 years & 5 months.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red-handed at the spot and huge quantity of contraband was recovered from the car being driven by the petitioner, his complicity is clearly evident. Learned State counsel has informed that the petitioner happens to be involved in 1 more case registered for offences under Sections 420 & 467 IPC. It has not been disputed that the petitioner as on date has been behind bars since the last about 3 years & 5 months. It has also been informed that as on date 9 PW out of cited 12 PWs have been examined.
5. This Court has considered rival submissions.
6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for a substantial period of 3 years & 5 months, the petitioner could be extended the benefit of bail. 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 No.	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 & 7 months
Criminal Appeal No.668/2020	12.10.2020	Amit Singh Moni Vs. State of Himachal Pradesh	2 years & 7 months
Special Leave to Appeal (Criminal) No.5769/2022	01.08.2022	Nitish Adhikary @ Bapan Vs. The State of West Bengal	1 year & 7 months
Special Leave to Appeal (Criminal) No.4173/2022	04.08.2022	Shariful Islam @ Sarif Vs. The State of West Bengal	1 year & 6 months
Criminal Appeal No.1169/2022	05.08.2022	Gopal Krishna Patra @ Gopalrusma Vs. Union of India	2 years, 1 month & 17 days
Special Leave to Appeal (Criminal) 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 of the petitioner and that the co-accused has already been granted bail, the petition merits acceptance and is hereby accepted.
8. 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.
9. 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.

11.11.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No