

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

CRM-M-58243-2022 (O&M)
Date of Decision:- 19.12.2022

Jitender @ Sonu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.K.Singla, Advocate, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.112 dated 30.04.2019 at Police Station Sardulgar, District Mansa, under Section 22 of NDPS Act.
2. As per the case of the prosecution on 30.04.2019, the Police received secret information to the effect that Gurpreet Singh, Gagu Singh and Ramesh Kumar had stored huge quantity of intoxicating tablets in the house of Gaggu Singh. The information was further to the effect that Jatinder and Vinod Kumar used to supply the said tablets to them. Pursuant to receipt of said information, the raid was conducted at the house of Gaggu Singh and 22,200 tablets of Alprasafe containing

2604.14 gms of 'Alprazolam' were recovered. It is further the case of prosecution that while Ramesh ran away from the spot, the other accused including Jatinder, Vinod, Gurpreet and Gaggu Singh were apprehended at the spot.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that the police has very cleverly shown that each of the 4 accused was possessing an equal number of tablets. It has been submitted that co-accused of petitioner have already been granted bail by this Court and since the petitioner has been behind bars for a substantial period of about 3 years and 8 months, he deserves to be released on bail.
4. On the other hand, learned State counsel has submitted that since the petitioner along with 4 accused was found in conscious possession of 'commercial quantity' of contraband, no case for grant of bail is made out. It has been pointed out that the petitioner happens to be involved in three other cases i.e. two registered under Indian Penal Code whereas the third one is registered under the Excise Act. It has also been informed that the petitioner himself mentioned in his petition that he stands involved in another case under the NDPS Act. It has been further informed that the petitioner, as on date, has been behind bars since the last about 3 years and 8 months. Learned State counsel has further informed that, in the present case, 4 PWs out of cited 13 PWs have been examined while three PWs have been given up.

5. This Court has considered rival submissions.
6. 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
Criminal Appeal No. 2027-2022	22.11.2022	Karnail Singh Vs. The State of Odisha	1 Year and 8 months
Special Leave to Appeal (Crl.) No. 8653-2022	25.11.2022	Karim Adaldar Vs. The State of West Bengal	10 months

6. Keeping in view the totality of the facts and circumstances of the case particularly the long custody of the petitioner and co-accused of

accused have already been granted bail, the petition merits acceptance.

7. 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.

19.12.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No