

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219 CRM-M-1324-2023
Date of Decision.:04.12.2023

Beera SinghPetitioner
Vs.
State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

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

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Fresh power of attorney on behalf of petitioner has been filed.

2. The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.0078 dated 14.08.2022 registered under Section 22 of NDPS Act (Section 27 of NDPS Act added later on) registered at Police Station Joga, District Mansa.

3. As per the prosecution allegations, 14 vials of Wincirex (each containing 100 ML) & 300 tablets of Carisoma were recovered from the joint possession of petitioner- Beera Singh and that of co-accused Gurwinder Singh.

4. Learned counsel has drawn attention towards order dated 16.12.2022 passed by learned Special Court, Mansa in which it was observed that Codeine Phosphate and Chlorpheniramine Maleate, which was

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found in the tablets, does not fall in NDPS Act. However, the 14 vials of Wincirex each, they fall in the NDPS Act and the quantity is commercial in nature. Learned counsel contends further that petitioner is in custody for the last more than 01 year and 03 months; trial is likely to take long time to conclude and petitioner has no criminal antecedents.

5. Though status report has not been filed but learned State counsel does not dispute the fact that petitioner has no criminal antecedents and that he is in custody for the last 01 year 03 months and 18 days as per the custody certificate placed on record. It is also informed by learned State counsel that out of 13 witnesses cited by the prosecution only examination-in-chief of 01 witness has been recorded so far and thus trial is likely to take long time to conclude.

6. Having regard to all the above facts and circumstances, the rigors of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India guaranteeing Fundamental Right to life and liberty of which speedy trial is a facet.

7. As such, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

December 04, 2023

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No