

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

**Criminal Misc. No.M-2921 of 2022 (O&M)
Date of Decision: March 03, 2023**

Amarjeet Singh alias Amar	Versus	... Petitioner
State of Punjab		...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Ashok Giri, Advocate for petitioner.

Mr. Dhruv Dayal, Additional A.G. Punjab.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR 151 dated 18.11.2020 under Section 22 of NDPS Act, 1985, Police Station Special Task Force, Phase-IV, Mohali, District Mohali.

As per the allegations in the FIR on 18.11.2020, at about 2.50 pm, secret information was received that Amarjeet Singh alias Amar (petitioner), who is resident of District Patiala, is involved in the supply of intoxicating tablets in the area of Kharar and Mohali in a car bearing registration No.CHO1-AP-2775, make Alto K10, white colour. The secret information also disclosed that he is coming in the above-mentioned car from the side of Mohali towards area of Kharar and Kurali via EMAAR Road-Landran-Banur Road side for supply of intoxicating tablets. On receiving the information, a naka was laid and vehicles coming from the side of Mohali were checked. A car of same description was seen coming from Mohali side. The car was stopped. On search of the car, a black

polythene was recovered beneath the driver seat. From the black polythene, intoxicating tablets of Microlit (Micron) 100 packets (each packet containing 100 tablets) i.e. total 10000 tablets were recovered. Rs.29,300/- were also recovered from the dashboard of the car.

It is also alleged that on 20.11.2020 i.e. two days after the arrest of the petitioner his medical store was searched and 2400 tablets of Diphenoxylate Hydrochloride and 900 tables of Tramadol were recovered.

Mr.Ashok Giri, Ld. counsel for the petitioner has argued that provisions of Section 42 of the NDPS Act have not been complied with as the secret information was never reduced into writing and sent to senior Officer by the Police, as required by the Statute. Referring to the Registration Certificate Annexure P-2, he further contends that the petitioner is a registered Pharmacist and on the date of the alleged incident i.e. 18.11.2020, he was having valid license to sell, stock and exhibit drugs.

Mr.Giri has further stated that the petitioner has been behind bars since 18.11.2020 i.e. for the last more than Two Years and Three Months, and the trial is not making any headway. Referring to orders dated 09.11.2022, 30.11.2022 and 19.01.2023 passed by the Trial Court, he argues that neither the accused was produced before the Trial Court on the said dates, nor any prosecution witness appeared. The Trial is lingering for one reason or the other and thus, the petitioner cannot be made to languish in jail for such a long time as he is to be presumed to be innocent till proven guilty.

Ld. counsel has relied upon the decisions of the Hon'ble Supreme Court in **SLP(Crl.) No.4173/2022 titled Shariful Islam @ Sarif vs. The State of West Bengal** decided on 22.03.2022, **SLP(Crl.)**

No.5769/2022 titled Nitish Adhikary @ Bapan vs. The State of West Bengal decided on 04.05.2022, Criminal Appeal No.1169 of 2022 titled Gopal Krishna Patra @ Gopalrusma vs. Union of India decided on 05.08.2022 and Special Leave to Appeal (Crl.) No.3961/2022 titled Abdul Majeed Lone vs. Union Territory of Jammu and Kashmir decided on 01.08.2022, where bail has been granted taking into account the custody of the petitioners and the stage of the trial.

Mr.Dayal, Ld. Additional Advocate General, Punjab does not dispute the pace of proceedings before the Trial Court.

In view of the above, particularly considering the custody period of more than Two Years and Three Months, as also the stage of the trial, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is made clear that if the petitioner involves himself in similar type of activity, while on bail, the State shall be at liberty to move for cancellation of his bail.

March 03, 2023

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No