

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-4301-2023

Date of decision: 27.03.2023

Nishan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.134 dated 30.10.2022 under Sections 15(b), 18(b) and 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner *inter alia* contends that a false recovery of 1.5 kgs of opium along with 3 kgs of poppy husk and ₹14,800/- has been planted upon the petitioner. Learned counsel submits that the petitioner has no criminal past much less not even involved in any other criminal case under the NDPS Act. He submits that there is no likelihood of the trial concluding in the near future as only challan stands presented and as many as 08 prosecution witnesses have been cited by the prosecution.

Per contra, learned State counsel while opposing the prayer

made by the counsel opposite, on instructions has not been able to controvert that the alleged recovery effected from the petitioner falls within the non-commercial quantity and still further the petitioner is not involved in any other criminal case under the NDPS Act.

I have heard learned counsel for the parties and perused the material placed on record.

In the facts and circumstances as enumerated hereinabove, the Trial shall take considerable time to conclude. Therefore, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

It may be added that in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

27.03.2023

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(MANJARI NEHRU KAUL)
JUDGE

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