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

**CRM-M-5883-2023
Date of Decision: 06.07.2023**

Dinesh Kumar Suman

..... Petitioner

Versus

Union of India

..... Respondent

CRM-M-6226-2023

Ramniwas Meena

..... Petitioner

Versus

Union of India

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Saransh Sabharwal, Advocate &
Ms. Sajal Bansal, Advocate,
for the petitioner in both cases.

Ms. Sharmila Sharma, Senior Panel Counsel,
for NCB in CRM-M-6226-2023.

Mr. Saurabh Goel, Advocate,
for the respondent-UOI in CRM-M-5883-2023.

JASGURPREET SINGH PURI, J. (ORAL)

1. Both the petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners and are being taken up together for final disposal with the consent of the learned counsel for the petitioners, since both the petitions arise out of the same case bearing Crime No.24 dated 14.05.2019, under Sections 8, 18, 29 & 60 of the NDPS Act, registered at Police Station Narcotics Control Bureau,

CZU, Chandigarh.

2. Learned counsel appearing on behalf of both the petitioners has submitted that both the petitioners are in custody from 4 years and 2 months and 8 out of 27 prosecution witnesses have been examined till date. He further submitted that the allegations against the petitioners were that they were traveling in a car and there had been an alleged recovery of 20 kgs. of *Opium* from the panel of doors of the car and one of the petitioner, namely, Ramniwas Meena is the owner of the car. He also submitted that only considering the long custody of the petitioners, they may be considered for the grant of regular bail.

3. On the other hand, Ms. Sharmila Sharma, learned Senior Panel Counsel, NCB has strongly opposed the grant of bail to the petitioners especially on the ground that there had been a huge recovery of 20 kgs. of *Opium* from the petitioners. She further submitted that it is correct that the petitioners have faced incarceration for more than 4 years but now 8 out of 27 witnesses have already been examined and 4 witnesses have been given up. She further submitted that the petitioners are habitual offenders and both the petitioners were convicted in the same case bearing Crime No.44/2013 and were sentenced for 10 years and their sentence in the aforesaid case was suspended and after coming out from the jail, they had committed the present offence in May, 2019. She also submitted that the petitioners are not entitled for the grant of regular bail also in view of the bar contained under Section 37 of the NDPS Act.

4. I have heard the learned counsel for the parties.

5. Although the custody of the petitioners is more than 4 years but

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as per the facts and circumstances of the present case and as stated by the learned State Counsel that both the petitioners were earlier also convicted under NDPS Act and both the petitioners were involved in the same FIR. No ground is made out by the learned counsel for the petitioners for making a departure from the bar contained under Section 37 of the NDPS Act.

6. Therefore, this Court does not deem it fit and proper to grant regular bail to the petitioners. Consequently, both the petitions are hereby dismissed.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

8. However, at this stage it is worth noting that since the petitioners have faced incarceration for more than 4 years and as per the learned State counsel only 8 witnesses have been examined and 4 witnesses have been given up and some of the witnesses are remaining, it would be just and expedient to direct the learned trial Court to expedite the trial solely considering the long custody of the petitioners. In view of the above, the trial Court is directed to expedite the trial.

06.07.2023

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No