

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

208

2023:PHHC:105064

CRM-M-8665-2022

Date of decision: August 11th, 2023

Kuldwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurbir Singh Sidhu, Advocate
with Mr. Mohit Kumar, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

The petitioner is seeking the concession of regular bail in case FIR No.142 dated 07.10.2020 under Sections 15, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Barnala.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand for having been allegedly found in possession of 120 kgs of poppy husk, which as per allegations leveled, was being transported in a truck. Learned counsel submits that the truck from which the aforesaid recovery of 120 kgs of poppy husk was effected was not registered in his name but in the name of co-accused Gurpreet Singh. He has further submitted that after the petitioner was apprehended on 17.10.2020, the trial had made very slow progress as only four out of 20 prosecution witnesses had been examined till date. It has been submitted that there was no likelihood of the trial concluding in

the near future. Hence, the petitioner deserves to be extended the concession of bail.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. Learned State counsel while drawing the attention of this Court to the affidavit dated 09.03.2023 of Satvir Singh, Deputy Superintendent of Police, Sub Division, Barnala, has submitted that a specific secret information was received qua the involvement of the petitioner and co-accused Gurpreet Singh pursuant to which a *nakka* was laid. Thereafter, the petitioner along with co-accused was apprehended by the police. It has been further submitted that the mandatory provisions of the NDPS Act were duly complied with and thereafter a search was carried out leading to a recovery of 120 kgs of poppy husk. Learned State counsel has further submitted that in view of the huge recovery of poppy husk effected, which is much beyond the minimum classified under the commercial quantity in the NDPS Act, the petitioner does not deserve the concession of bail, more so, when the trial would not take much time to conclude as 20 prosecution witnesses have already been examined.

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

The petitioner was named in a secret information received, and thereafter the alleged recovery of 120 kgs of poppy husk was effected from a truck which was being driven by the petitioner himself. This Court, thus, is not inclined to extend the concession of bail to the petitioner in the aforementioned facts and circumstances and

particularly in view of the huge recovery of poppy husk effected from him. The petition, therefore, stands dismissed.

At this stage, a request has been made by learned counsel for the petitioner that the trial Court be directed to expedite the trial in view of the petitioner's long incarceration, who has now been in custody since 17.10.2020. The trial Court is directed to make earnest efforts to conclude the trial expeditiously preferably within six months from today.

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.

August 11th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**