

CRM-M-8301-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.210

Case No. : CRM-M-8301-2023

Date of Decision : May 22, 2023

Vinay Kumar

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

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GURBIR SINGH, J. :

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.20 dated 15.02.2021, under Section 22-C of the NDPS Act, 1985, registered at Police Station Bariwala, District Sri Muktsar Sahib.

As per allegations, 3500 tablets of Colvedol-100 SR containing salt Tramadol Hydrochloride were recovered from the possession of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner is in custody for the last 02 years and 03 months. As per the allegations, recovery from the petitioner is of manufactured drug.

Vide order dated 28.03.2023 passed by this Court, report from the Court below was sought with regard to the time required for disposal of the case in question. In response thereto, the Report from the concerned

Court has been received, in which it has been intimated that seven witnesses still remain to be examined apart from the Investigating Officer concerned. The Trial Court has further submitted that there are about 3762 cases pending in the said Court including 500 Session Trials and about 1152 NDPS cases. The said Court is also designated Court for NDPS, Crime against Women, POCSO, SC Act, Electricity Act, Commercial Court and Prevention of Corruption Act etc. It has further been apprised to this Court that due to heavy pendency, trial in this case is not likely to be completed in near future.

In support of his contentions, learned counsel for the petitioner has relied upon **Dheeraj Kumar Shukla vs. The State of Uttar Pradesh - Special Leave to Appeal (Crl.) No.6690/2022, Hasanujjaman and others vs. The State of West Bengal - Special Leave to Appeal (Crl.) No.3221/2023, Indrajit Mondal and another vs. The State of West Bengal - Special Leave to Appeal (Crl.) No.1571/2023, CRM-M-29770-2022 (O&M) titled Sukhdev Singh vs. State of Punjab**, decided on 17.05.2023 by a Co-ordinate Bench of this Court and **CRM-M-23321-2022 titled Gagandeep Singh @ Budu vs. State of Punjab**, decided on 17.05.2023 by a Co-ordinate Bench of this Court.

On the other hand, Custody Certificate of the petitioner has been filed by learned State Counsel today in Court, which is ordered to be taken on record.

Learned State counsel has opposed the prayer made by learned counsel for the petitioner by submitting that recovery from the petitioner falls under the commercial quantity. There is bar under Section 37 of the

NDPS Act to grant bail in such cases. However, he has fairly conceded that the petitioner is in custody in this case for the last 02 years and 03 months and no other FIR of similar offence has been found registered against the petitioner.

Heard.

The petitioner is in custody for the last about 02 years and 03 months. He is not involved in any other case. Completion of trial will take a long time. Culpability of the petitioner shall be decided during trial of the case.

Accordingly, without discussing the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.

In case the petitioner indulges in any of such activities in violation provisions of Narcotic Drugs and Psychotropic Substances Act, then the prosecution is free to move an application for cancellation of bail in this case.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

May 22, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.