

AKASHDEEP SINGH @ AKASH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. H.S.Jalal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 147 dated 14.10.2020 under Sections 22, 25 & 29 (added later on) of NDPS Act, registered at Police Station Joga, District Mansa.

Custody certificate has been taken on record.

Briefly, as per the allegations of the prosecution, on 14.10.2020, 25 vials of Wincirex, 25 strips containing 10 tablets each of Carisoma were recovered from the possession of the petitioner. Subsequently, in pursuance of the disclosure statement, 14 strips of Carisoma containing 10 tablets in each strip and 22 vials of Wincirex were recovered at his instance.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of about 2 years and 4 months and not involved in any other case. The charge was framed as back as on 14.09.2021 but till date no witness has been examined.

Learned counsel for the petitioner has relied upon the decisions of Hon'ble the Supreme Court of India rendered in ***Criminal Appeal No. 668 of 2020*** titled as ***Amit Singh Moni Vs. State of Himachal Pradesh***, wherein bail has been granted to the accused in a case pertaining to the recovery of commercial quantity, after he had completed more than 02 years and 07 months of actual custody. Furthermore, it has been argued that in **SLP (Crl.) No. 5769 of 2022** titled as **Nitish Adhikary @ Bapan vs. The State of West Bengal**; decided on 01.08.2022 by the Hon'ble Supreme Court of India, the accused was granted bail in a case pertaining to the recovery of commercial quantity after he had undergone custody for a period of 1 year and 7 months and trial was at a preliminary stage, as only 1 witness had been examined and the accused was not having criminal antecedents. Besides, in a decision rendered in **SLP (Crl.) No. 4173 of 2022**, decided on 04.08.2022 titled as **Shariful Islam Vs. Sarif Vs. The State of West Bengal**, the accused was granted bail after he had suffered incarceration for over 1 year and 6 months and there being no likelihood of completion of trial in near future.

Learned State counsel has opposed the bail application on the score that the quantity of contraband recovered in the instant case falls in the category of commercial quantity.

It may be mentioned here that the petitioner is in custody for a period of about 2 years and 4 months. The charge was framed as back as on 14.09.2021 and out of 15, till date no witness has been examined. The petitioner cannot be kept in incarceration for a long period of time during the course of trial, particularly, because the trial is not progressing and he is in custody for a period of about 2 years and 4 months. The speedy trial is a constitutional right provided to an accused under Article 21 of the

Constitution of India.

As such, the ends of justice would meet if the petitioner is extended the concession of bail . Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

07.02.2023

Janki

(VIVEK PURI)
JUDGE

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