

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

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1. **2023:PHHC:094086**
CRM-M No.16508 of 2022
Date of decision: July 25th, 2023

Amanpreet Singh @ Mani

.....Petitioner

Versus

State of Punjab

.....Respondent

2. CRM-M No.17679 of 2022

Randeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Navjot Singh, Advocate
for the petitioner (in CRM-M-16508-2022).

Mr. Amit Kumar Walia, Advocate
for the petitioner (in CRM-M-17679-2022).

Mr. Harsimran Singh Sitta, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This order shall dispose of the above-mentioned petitions as they arise out of same FIR i.e. FIR No.135 dated 02.11.2021 registered under Section 15, 29/61/85 of Narcotic Drugs and Psychotropic Substances Act at Police Station Sadar Ahmedgarh, District Sangrur.

2. Learned counsel for the petitioners, *inter alia*, contend that recovery of 58 KGs poppy husk was allegedly effected from one bag from the cabin of the truck in which the petitioners were travelling. It has been further submitted that the recovery effected is just marginally higher than the minimum prescribed under the commercial quantity. Learned counsel

still further submit that the false implication of the petitioners in the case in question is evident from the fact that they have no criminal antecedents much less being involved in any other case under the NDPS Act. It has also been submitted that after the petitioners were arrested on 02.11.2021, charges were framed on 15.07.2022, the trial had not progressed much as only one out of the 21 prosecution witnesses cited had been examined till date. They submit that the delay in the trial has thus not been on account of reasons which could be attributed to the petitioners but on account of the prosecution witnesses failing to put in appearance before the trial Court to get their evidence recorded. Learned counsel submit that in the circumstances, the trial is unlikely to conclude in the near future.

3. *Per contra*, learned State counsel while passing opposing the prayer made by the counsel opposite, on instructions, has submitted that the petitioners were apprehended along with 58 KGs of poppy husk while they both were travelling in a truck. He submits that the petitioners were apprehended pursuant to a secret information received. Learned State counsel, however, has not been able to dispute that the petitioners are not involved in any other case under the NDPS Act and still further, after the charges were framed on 15.07.2022, only one prosecution witness out of the 21 cited had been examined.

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

5. The recovery allegedly effected from the petitioners is just marginally higher than the minimum prescribed under the commercial quantity under the NDPS Act. The petitioners are not shown to be

involved in any other case under the NDPS Act. The trial would take considerable time to conclude as only one prosecution witness stands examined.

6. The instant petition is allowed. The petitioners 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. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

July 25th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No