

**102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-17724-2023 (O&M)

Date of decision: 01.09.2023

Beant Singh

..Petitioner

Versus

State of Haryana

.Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. N.S.Dandiwal, Advocate for the petitioner
Mr.J.S.Pannu, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

CRM-34065-2023

Allowed as prayed for. Annexures P-4 and P-5 are taken on record.

Main case

This is the petitioner's third attempt to get bail pending the trial in a criminal case arising from FIR No.110 dated 21.05.2019 registered under Section 15, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act') at Police Station Kalanwali, District Sirsa.

As per the prosecution's case, the petitioner was apprehended with 35 kg of poppy husk in his possession. As per the custody certificate, he has suffered incarceration for a period of 3 years, 9 months and 24 days. The amount of recovery from the petitioner does not fall under the category of commercial quantity as specifically notified under the NDPS Act. On 22.05.2023, it was noticed that the petitioner is involved in as many as three more cases under the NDPS

Act. Hence, he was directed to file the copies of the FIR.

It has come on record that in FIR No. 16 dated 17.02.2018, the petitioner was convicted and sentenced to undergo imprisonment for the period of 6 months with a fine of Rs.7500/- whereas in FIR No. 134 dated 23.12.2017 and in FIR No. 82 dated 10.08.2017, the alleged recovery from the petitioner is 80 tablets and 110 tablets respectively, containing Alprazolam salt.

As disclosed by the State counsel, the prosecution has already recorded deposition of 5 witnesses out of total 17 witnesses proposed to be examined. He submits that 3 prosecution witnesses have been given up whereas 9 witnesses still remain to be examined.

The conclusion of the trial is likely to take time. The petitioner has already suffered incarceration for a period of 3 years and 9 months.

Without commenting on the merits of the case and keeping in view the aforesaid facts, the petitioner is directed to be released on bail, subject to his furnishing bail bonds to the satisfaction of the trial court/Duty Magistrate/Chief Judicial Magistrate.

The petition stands allowed.

All the pending miscellaneous applications, if any, are also disposed of.

01.09.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE