

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

205

CRM-M-20620-2022
Date of decision: 23.02.2023

Shanker Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.565 dated 21.11.2021 under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act added lateron) registered at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner *inter alia* contends that a false and fabricated case has been planted upon the petitioner wherein recovery of 1400 Tramadol tablets (weighing 267 grams) was allegedly effected from him. He submits that the alleged recovery is just marginally higher than the minimum prescribed under the commercial quantity i.e. 250 grams. Learned counsel further submits that the false implication of the petitioner in the case in hand finds credence from the fact that he has no criminal past and is not involved in any other case under the NDPS Act. It has been submitted that as the petitioner has

now been in custody since 21.11.2021 and only 02 out of the 16 prosecution witnesses stand examined, hence, the trial shall take considerable time to conclude. It has been thus urged that in the circumstances, further incarceration of the petitioner would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has submitted that it was pursuant to a secret information received that the petitioner was apprehended and the alleged recovery of 1400 tablets of Tramadol effected from him. He has, however, not been able to dispute that the weight of the contraband allegedly effected was 267 grams which was marginally higher than the minimum prescribed under the commercial quantity.

On a pointed query, learned State counsel has on instructions apprised the Court that the petitioner is not involved in any other criminal case much less under the NDPS Act.

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

In the facts and circumstances as enumerated hereinabove, since the petitioner has been in custody since 21.11.2021 and there is no likelihood of the trial concluding in the near future coupled with the fact that the petitioner is not involved in any other criminal case, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed. The petitioner 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.

23.02.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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