

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

CRM-M No.24776 of 2022 (O&M)

Date of decision: 2nd March, 2023

Karaj Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Shubham Goyal, Advocate for the petitioner.

Mr. Sanish Girdhar, Assistant Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of the concession of bail in case bearing FIR No.16 dated 15.03.2022 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 29/61/85 of NDPS Act added later on) registered at Police Station Mehtiana, District Hoshiarpur.

Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the case in hand for having been found in conscious possession of 1 kg of Opium. He submits that the petitioner has been in custody since 16.03.2022 and there is no likelihood of the trial concluding in the near future as none of the

prosecution witnesses cited by the investigating agency have been examined till date.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that 1 kg of Opium, though not falling under the commercial quantity, was recovered when the police came to the house of the petitioner pursuant to a secret information received qua his son's involvement in a case under NDPS Act. He submits that the petitioner is a man of criminal antecedents as he is involved in two other cases of similar nature, which were registered prior in time to the case in hand. Thus, it is evident that he had been repeatedly misusing the concession of bail which had been granted to him in the earlier cases registered against him under the NDPS Act.

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

In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the concession of bail to the petitioner in the instant case. The petition as such stands dismissed. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 2, 2023

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No