

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

(210)

CRM-M-23544 of 2023
DATE OF DECISION:-15.05.2023

Parmod Kumar

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ankit Grewal, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of bail pending trial in case FIR No.318 dated 01.11.2021 under Sections 22 of NDPS Act, 1885, registered at Police Station Derabassi, District Mohali.

(2) As per FIR, petitioner has been implicated in the present case for alleged recovery of 3600 capsules of Parvion Spas intoxicant.

(3) Learned counsel for the petitioner submits that investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges and out of the total 12 witnesses cited by the prosecution, only 2 have been examined completely whereas, examination-in-chief of 03 others have been recorded. Learned counsel further submits that the petitioner has suffered incarceration for a period of 1 year, 6 months and there is no other case under NDPS Act pending against him, thus, the petitioner deserves concession of regular bail.

(4) On the other hand, learned State counsel opposes the prayer made herein while referring to the heavy recovery, besides there being few other

cases under the Excise Act pending against the petitioner.

(5) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

(6) In the present case, petitioner has already suffered incarceration for a period of 1 year and 6 months and the trial is likely to take some time as out of total 12 witness as cited by the prosecution, only 2 have been examined completely. There is no other case pending against the petitioner under the NDPS Act, though, there are cases under the Excise Act. At this stage, I do not find any reason to extend the incarceration of the petitioner as debatable issue regarding non-compliance of Section 50 of the NDPS Act has been made out, thus, the petitioner deserves the concession of regular bail.

(7) Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

(8) However, nothing expressed hereinabove shall be construed as an expression of opinion on the merits of the case.

15.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No