

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.28313 of 2023
Date of decision: 10th August, 2023

Lakhvir Singh @ Lakha

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Fariad S. Virk, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.33 dated 24.04.2021 under Sections 18, 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Jodhan, District Ludhiana Rural.

2. Learned counsel for the petitioner inter alia submits that the petitioner has been in custody since 24.04.2021 and as on date 7 prosecution witnesses out of the 15 cited stand examined, hence, there is no likelihood of the trial concluding in the near future and a perusal of the zimni orders further reveals that the trial has not been making much headway on account of the prosecution witnesses not putting in an appearance during trial. It has also been submitted that the petitioner has clean antecedents as he is not involved in any other criminal case,

much less under the NDPS Act. Learned counsel submits that in the aforementioned facts and circumstances, it is evidently a case of false implication, for which he deserves the concession of bail.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. Learned State counsel, while drawing the attention of this Court to the allegations levelled in the FIR, on instructions has submitted that a secret information was received by the police, wherein the petitioner and his co-accused were specifically named. Thereafter, when the raid was conducted, a huge recovery of 8 kgs of Opium along with drug money in the sum of ₹ 1.52 lacs was effected from the truck, which was registered in the name of the petitioner. Learned State counsel has submitted that in view of the huge recovery effected, the petitioner does not deserve the concession of bail and still further, the trial shall not take much time to conclude as only 8 witnesses, who are formal in nature, remain to be examined.

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

5. As per the allegations levelled in the FIR, a huge recovery of 8 kgs of Opium, which is much beyond the commercial quantity classified under the NDPS Act, was allegedly effected from the conscious possession of the petitioner. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such is dismissed.

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.

6. Since the petitioner has been in custody for more than 2 years and 3 months, having been arrested on 24.04.2021, the trial Court shall make earnest efforts to expedite the trial and endeavour to conclude it expeditiously, preferably within a period of six months.

(MANJARI NEHRU KAUL)
JUDGE

August 10, 2023
rps

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