

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

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2023:PHHC:132465

CRM-M-31911-2023

Date of decision: October 11th, 2023

Tarun Kumar @ Tarun

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ripudaman Singh Sidhu, Advocate
for the petitioner.

Mr. Digvijay Nagpal, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

The petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.370 dated 23.12.2022 registered under Sections 21 and 29 of the NDPS Act, 1985, registered at Police Station Rama Mandi, Jalandhar.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner, who is a young boy of 20 years of age, has been falsely implicated in the case in hand and a recovery of 400 grams of heroin planted upon him. It has been submitted that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act, which lends credence to his false implication. It has still further been submitted that after the petitioner was arrested on 23.12.2022, the trial has not progressed as the prosecution evidence is still underway, hence, the petitioner be enlarged on bail.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that the petitioner along with co-accused Prince was apprehended by

the police on suspicion. On being apprehended, the petitioner, who was seated behind co-accused in a car, was found holding a polythene bag in which the recovered contraband was found. It has been submitted that in the circumstances, it left no manner of doubt that the petitioner was well aware about the contents of the bag, which he was holding. Learned State counsel, on instructions, has also submitted that the trial has been going on at a reasonably good pace as one prosecution witness already stands examined and the next date before the trial Court is 15.11.2023 when some more prosecution witnesses have been summoned to depose. It has been further submitted that since all the prosecution witnesses are official witnesses, the trial would not take much time to conclude.

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

5. The petitioner was arrested on 23.12.2022 when he was travelling in a car being driven by co-accused. The recovery of contraband i.e. 400 grams of heroin was effected from the petitioner, which is classified as commercial under the Act. In the facts and circumstances, this Court is not inclined to extend the concession of bail to the petitioner.

6. The instant petition, therefore, stands dismissed.

7. 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.

October 11th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No