

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

CRM-M No.35466 of 2023
Date of decision: 19th September, 2023

Raj Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurinder S. Hayer, Advocate for the petitioner.

Mr. Amit Rana, Sr. 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.71 dated 02.07.2022 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Samalsar, District Moga. This is the second petition filed by the petitioner.

2. Learned counsel for the petitioner inter alia submits that a false case has been planted upon him for having been found in possession of 760 tablets of Buprenorphine. He submits that the petitioner is a 70 year old man and hence, it is not possible that he could have been involved in a crime of this nature. Learned counsel further submits that there is no likelihood of the trial concluding in the near future as only 3 out of the 10 prosecution witnesses cited stand examined till date. A

prayer has, therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that it was a case of chance recovery and the petitioner was apprehended on suspicion. He submits that a huge recovery of 760 tablets of Buprenorphine was effected from a transparent polythene bag which the petitioner was carrying at the relevant time, and on seeing the police party he threw away the bag on the road. Learned State counsel, on further instructions, has submitted that the crime in question was committed by the petitioner while he was on bail in another case under the NDPS Act, and which had been registered against him prior to the instant case. He has submitted that it was, thus, evident that the petitioner has misused the concession of bail granted to him by being involved in another case under the NDPS Act. Learned State counsel has further submitted that trial would not take much time to conclude as 3 prosecution witnesses stand examined and the remaining 7 are all formal witnesses.

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

5. The recovery effected from the bag allegedly thrown by the petitioner is classified as commercial under the NDPS Act. This Court cannot lose sight of the fact that the offence in question was committed when the petitioner was on bail in another case registered against him

under the NDPS Act. 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. At this stage, a prayer has been made by learned counsel for the petitioner that the trial Court be directed to expedite the trial and conclude it at the earliest.

7. The trial Court shall make earnest efforts to conclude the trial expeditiously, preferably within a period of next five months from today.

(MANJARI NEHRU KAUL)
JUDGE

September 19, 2023
rps

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