

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42277-2021
Date of Decision:-20.03.2023

SANDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.70
dated 20.08.2021 registered under Sections 15/29 NDPS Act at Police
Station Khanauri, District Sangrur.

The allegations in brief are that on 20.8.2021, police received
secret information and then nabbed Verna car No.HR-26-AM-5968 driven
by the petitioner and on checking 60 kgs. of poppy pods contained in
different bags were recovered from said car and the petitioner was arrested
at the spot .

The counsel for the petitioner inter alia contends that the petitioner who is having no criminal history is falsely implicated in the present case. The counsel for the petitioner further submits that no independent witness was associated at the time of alleged recovery by the Investigating Officer. The counsel for the petitioner further submits that the petitioner is in custody for the last about 1 year and 7 months and the trial is progressing ahead at the snail's pace. The counsel for the petitioner while referring to order dated 1.8.2022 passed by the Hon'ble Supreme Court in **Nitish Adhikary @ Bapan vs. State of West Bengal, Crl. Appeal No.5769-2022** submits that in the said case the accused had undergone custody for a period of 1 year and 7 months in a case relating to recovery of commercial quantity of contraband and the accused was granted concession of regular bail on account of long incarceration. The counsel for the petitioner further made prayer that the petitioner be released on regular bail, on the same basis.

The instant petition is contested by the State counsel, who submits that in the present case recovery of 60 kgs. of poppy pods was effected from the car in which the petitioner was travelling and the said contraband comes under commercial quantity. The State counsel further apprised the Court that the trial is going on and already 6 witnesses have been examined out of total 17 prosecution witnesses. However, the State counsel has not disputed the fact that the petitioner is having no criminal history.

I have considered the submissions made by counsel for the parties.

The present case is relating to recovery 60 kgs. of poppy pods from the car owned and driven by the petitioner by the police on 20.8.2021. Undoubtedly the said contraband comes under commercial quantity. However there is no dispute regarding the fact that the petitioner is having no criminal history and is in custody for the last about 1 year and 7 months and it will take considerable time for the trial to terminate as till date only 6 witnesses are examined out of total 17 prosecution witnesses.

The Hon'ble Supreme Court in **Nitish Adhikary @ Bapan's** case (supra) has granted bail to the accused who was incarcerated for a period of 1 year and 7 months in a case relating to recovery of commercial quantity of contraband.

In the light of the above as it will take considerable time for the trial to conclude, the petitioner is hereby directed to be released on regular bail subject subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

20.03.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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