

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

CRM-M No.44138 of 2021

Date of decision: 18th January, 2023

Rakesh Kumar @ Manga

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jashandeep S. Sandhu, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

This is second petition of the petitioner filed under Section 439 Cr.P.C. in case bearing FIR No.30 dated 23.02.2020 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, 'the NDPS Act') registered at Police Station City Rampura, District Bathinda.

On a pointed query put to the learned counsel for the petitioner as to what was the material change in circumstances subsequent to withdrawal of the previous petition seeking similar relief, he has submitted that the trial has still not concluded and the petitioner has now been in custody for almost 2 years 10 months, having been arrested on 23.02.2020. Learned counsel has also submitted that similarly situated two co-accused have since been extended the concession of bail by this Court. He still further submits that there is no

likelihood of the trial concluding in the near future as only one out of the 12 prosecution witnesses cited has been examined till date.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has submitted that the case of the petitioner is not at par with that of his co-accused who are on bail, as the petitioner is involved in another FIR bearing No.42 dated 01.01.2019 registered at Police Station Rampura Phool which too is under the NDPS Act. Learned State counsel has still further submitted that the recovered contraband i.e. 1000 tablets of Clovidol 100 SR falls within the commercial quantity and hence, in the circumstances, the prayer made by the petitioner seeking concession of bail deserves to be declined.

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

This Court is not inclined to extend the concession of bail to the petitioner as he has failed to bring to the notice of this Court any material change in the circumstances subsequent to withdrawal of the previous petition seeking similar relief. Besides this, the petitioner is a man of criminal antecedents as he is involved in another case under the NDPS Act. Accordingly, the petition is dismissed.

At this stage, a prayer has been made by the learned counsel for the petitioner that since the petitioner has now been in custody for almost 2 years and 10 months, the trial Court be directed to expedite the trial.

In the circumstances, the trial Court is directed to make earnest efforts to conclude the trial expeditiously, preferably within a period of three months from today. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 18, 2023
rps

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