

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

CRM-M No.39513 of 2023
Date of decision: 18th October, 2023

Ramandeep Singh @ Roma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. APS Rehan, 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.84 dated 25.04.2022 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added later on) registered at Police Station Mahilpur, District Hoshiarpur.

2. Learned counsel for the petitioner inter alia contends that the petitioner was allegedly apprehended on 25.04.2022 on suspicion by the police party and a recovery of 510 capsules of Tramadol was shown to have been effected from him. Learned counsel submits that firstly it is a case of false implication and still further, the alleged recovery is not classified as commercial under the NDPS Act, as the total salt containing Tramadol Hydrochloride would come to just 163.2 grams which is much

less than 250 grams, i.e. the minimum classified as commercial under the NDPS Act. It has been further submitted that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act. It has also been submitted that after charges were framed on 06.12.2022, none of the witnesses cited by the prosecution had been examined and the next date of hearing fixed before the trial Court is 23.01.2024 when the prosecution evidence is likely to commence. 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 510 capsules of Tramadol were recovered from the pocket of the petitioner when he was nabbed on suspicion. However, he has not been able to dispute that the recovered contraband has not been classified as commercial quantity under the Act and still further, that the petitioner is not involved in any other criminal case, much less under the NDPS Act.

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

5. The petitioner has now been in custody since 25.04.2022. Investigation in the case in hand is complete, charges also stand framed and the prosecution has cited as many as 8 witnesses, who are yet to be examined. The prosecution evidence is likely to commence only on the next date of hearing fixed before the trial Court i.e. 23.01.2024 and thus,

the trial would take considerable time to conclude. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

October 18, 2023
rps

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