

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-42444-2022 (O&M)
Date of Decision:-18.1.2023

Sunil Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ramandeep Singh Gill, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Amrik Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.007, dated 14.1.2020 at Police Station Lambi, District Sri Muktsar Sahib, under Sections 22/61/85 of Narcotic Drugs & Psychotropic Substances Act.
2. As per the case of prosecution, the petitioner was apprehended by the police on 14.1.2020 while in possession of 1420 tablets of '*tramadol*'.
3. Short reply by way of affidavit of Shri Balkar Singh, PPS, Deputy Superintendent of Police, Sub-Division, Malout, District Sri Muktsar Sahib has been filed by learned State counsel, which is taken on record.
4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that various mandatory provisions as

regards procedure mandated under NDPS Act have not been complied with. It has further been submitted that the petitioner has been behind bars since the last about 3 years and otherwise enjoys a clean record and since the trial is proceeding at snail's pace, the petitioner cannot be kept behind bars for an indefinite period.

5. Opposing the petition, learned State counsel has submitted that since it is a case, wherein the petitioner was caught red-handed while in possession of 'commercial' quantity of contraband, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 3 years. Learned State counsel has informed that the petitioner is not involved in any other case. It has also been informed that as on date only 1 PWs out of the cited 15 PWs have been examined.
6. This Court has considered the rival submissions.
7. Since the petitioner seeks grant of bail mainly on account of long custody, it is apposite to refer to a few judgments of Hon'ble Supreme Court in this regard wherein Hon'ble Supreme Court has granted the concession of bail solely on ground of long custody :-

Case Number	Date of Decision	Title of case	Period which the accused had undergone when granted bail by Hon'ble Supreme Court.
Criminal Appeal No. 245/2020	07.02.2020	Chitta Biswas @ Subhas Vs. the State of West Bengal	1 year and 7 months
Criminal Appeal No. 668/2020	12.10.2020	Amit Singh Moni Vs. State of Himachal Pradesh	2 years and 7 months

Special Leave to Appeal (Crl.) No. 5769/2022	01.08.2022	Nitish Adhikary @ Bapan Vs. the State of West Bengal	1 year and 7 months
Special Leave to Appeal (Crl.) No. 4173 of 2022	04.08.2022	Shariful Islam @ Sarif Vs. the State of West Bengal	1 year and 6 months
Criminal Appeal No. 1169 of 2022	05.08.2022	Gopal Krishna Patra @ Gopalrusma Vs. Union of India	2 years 1 month and 17 days
Special Leave to Appeal (Crl.) No. 5530-2022	22.08.2022	Mohammad Salman Hanif Shaikh Vs. the State of Gujarat	About 2 years
Criminal Appeal No. 2027-2022	22.11.2022	Karnail Singh Vs. The State of Odisha	1 Year and 8 months
Special Leave to Appeal (Crl.) No. 8653-2022	25.11.2022	Karim Adaldar Vs. The State of West Bengal	10 months

8. Keeping in view the totality of the facts and circumstances of the case, particularly long custody of the petitioner and that the petitioner enjoys a clean record and also that conclusion of trial is likely to consume time inasmuch as only 1 PWs out of the cited 15 PWs have been examined so far, the petition merits acceptance and is hereby accepted.
9. The petition, as such, is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
10. It is, however, directed that in case the petitioner is found to be indulging in similar offence again, the prosecution would be at liberty to move an application for cancellation of bail before this Court.

18.1.2023

pankaj

Whether speaking /reasoned
Whether Reportable

(Gurvinder Singh Gill)
Judge

Yes / No
Yes / No