

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-44428-2022
Date of decision:- 09.10.2023

Rajdeep Singh... Petitioner

Versus

State of Punjab.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Satwant Singh Rangi, Advocate
for the petitioner.

Mr.A.P.S. Tung, DAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. Mr.Satwant Singh Rangi, Advocate has put in appearance on behalf of the petitioner and has filed vakalatnama with no objection from the previous counsel.
2. This is the second petition that has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
145	07.07.2019	City Rajpura, District Patiala	22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”)

3. Counsel for the petitioner urges that petitioner has been falsely

implicated on the allegation that recovery of 11,400 tablets of Diphenoxylate Hydrochloride & Atropine Sulphate Tablets IP Lomotil has been effected from him. Counsel submits that although petitioner is in custody since 08.07.2019, trial is not likely to conclude in the near future and the petitioner deserves to be released on bail.

4. Opposing the petition, State counsel has filed custody certificate as well as status report by way of affidavit of Senior Superintendent of Police, Patiala and submits that all the prosecution witnesses, except one, have been examined. He asserts that the contraband recovered from the petitioner weighs 729 grams and as it falls in commercial category, petitioner cannot be released on bail in view of the bar under NDPS Act.

5. I have heard and considered the submissions made by counsel for the parties.

6. In the affidavit dated 09.10.2023 of Senior Superintendent of Police, Patiala filed on behalf of the State, it has been deposed as under:

“8. That so far as the conclusion of prosecution evidence is concerned, the report of the SHO PS City Rajpura (Annexure R1) revealed that out of total 10 prosecution witnesses, 9 have been examined and the examination-in-chief of the last one witness i.e. Insp. Balwinder Singh is also completed and only his cross-examination is pending, which would be done by the next date of hearing i.e. 19.10.2023.”

7. It is evident from the above that the prosecution evidence is at an advance stage. Recovery effected from the petitioner is of commercial quantity and the bar under Section 37 of NDPS Act comes into operation.

Noticing these factors, this Court does not find any merit in the petition, which is hereby dismissed.

8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

09.10.2023
Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No