

Date of Decision: January 24, 2023

1. CRM-M-51962 of 2021

Sukhdarshan Pal Mittal @ Jimmy ...Petitioner
Versus
State of Punjab ...Respondent

2. CRM-M-49597 of 2021

Harpreet Singh @ Billa ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Suvir Sidhu, Advocate and Mr. S.S. Gill,
Advocate for the petitioner in CRM-M-51962 of 2021.

Mr. M.S. Sidhu, Advocate for the petitioner in
CRM-M-49597 of 2021.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

As per the custody certificates placed on record by learned State Counsel, both the petitioners, i.e. Sukhdarshan Pal Mittal @ Jimmy as well as Harpreet Singh @ Billa are in custody for the last one year and seven months. Both of them have prayed for grant of regular bail in case FIR No.66 dated 12.06.2021 registered under Sections 22, 25 (Section 29 added later on) of Narcotic Drugs and Psychotropic Substances Act, at Police Station Nahianwala, Bathinda.

The chain of events as disclosed is that on 12.06.2021, Police party signalled to stop a car. The occupant fled. The car was found to be containing 32160 tablets of Tramadol Hydrochloride besides 264 vials of Diazepam Injection. Total weight of the contraband as stated by learned State Counsel is more than 13 Kg. 757 grams i.e. of

commercial quantity. Samples were drawn. One Didar Singh disclosed that Sukhdarshan Pal Mittal – petitioner of CRM-M-51962-2021, was the driver of the car who had fled. A certificate of registration kept in the car disclosed the name of the registered owner to be Sandeep, who was joined in the investigation and who disclosed that he had already sold the car to Ramesh Kumar, the father of petitioner – Sukhdarshan Pal Mittal. Petitioner- Sukhdarshan Pal Mittal was arrested on 15.06.2021 and he nominated another petitioner Harpreet who had allegedly supplied contraband to him. Harpreet further nominated Sumit.

It is submitted by learned counsel for the petitioner – Sukhdarshan Pal Mittal that no recovery from conscious possession of the petitioner has been effected rather recovery has been effected from an abandoned car which was in the name of Sandeep and that the petitioner is not associated with the same. It is also pointed out that petitioners are in custody for the last one year and seven months. Learned counsel has also referred to **Nitish Adhikary @ Bapan Vs. The State of West Bengal, - SLP (Crl.) No.5769 of 2022**, wherein in case of possession of contraband of commercial quantity, the petitioner was in custody for one year and seven months and was enlarged on bail by Hon'ble Supreme Court. Similarly in **Shariful Islam @ Sarif Vs. The State of West Bengal – SLP (Crl.) No.4173 of 2022**, petitioner was in custody for one year and six months, he was allowed bail. Learned counsel for the petitioner- Harpreet has also contended that no recovery whatsoever has been effected from him, and at the time of alleged recovery, he was in custody in some other case and that he has been nominated only on the

basis of disclosure statement of Sukhdarshan Pal Mittal.

Learned State Counsel has opposed both the bail petitions by pointing out towards the heavy quantity of contraband recovered from car which belongs to the father of the petitioner Sukhdarshan Pal Mittal. It is also pointed out that petitioner – Harpreet is also involved in another case as per the custody certificate.

Having considered the submissions of both the sides and considering the custody period of the petitioners, and the fact that the trial is likely to take long time, both the petitioners are admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

Disposed of.

A photocopy of this order be placed on the file of connected case.

January 24, 2023
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(DEEPAK GUPTA)
JUDGE

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