

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.45947 of 2023  
Date of decision: 16<sup>th</sup> October, 2023

Prince Suri

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Amandeep Singh, 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.123 dated 05.07.2023 under Sections 18, 27, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, 'the Act') registered at Police Station GRP, District Ludhiana.

2. Learned counsel for the petitioner inter alia contends that the petitioner's false implication in the case in hand is evident from the fact that he has clean antecedents and is not involved in any other criminal case, much less under the NDPS Act. It has been submitted that after the petitioner was arrested on 05.07.2023 on suspicion, alleged recovery of 1.100 kgs of Opium (non commercial) was stated to have been effected. Learned counsel submits that the said recovery though not effected from

him, falls within non-commercial quantity. It has been further submitted that since investigation in the case in hand is complete and even charges stand framed, further incarceration of the petitioner would serve no useful purpose as none of the prosecution witnesses have been examined and the next date of hearing fixed before the trial Court is 28.11.2023. A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Birbal, has submitted that the petitioner was nabbed on suspicion while he along with co-accused was standing at the railway station. On being apprehended, a recovery of 1.100 kgs of Opium was effected from a bag which the petitioner was carrying with him. Learned State counsel has, however, not been able to dispute that the petitioner has clean antecedents and 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 05.07.2023. Investigation in the case in hand is complete. There is no likelihood of the trial concluding in the near future as none of the 8 witnesses cited by the prosecution have been examined so far. In the facts and circumstances, as enumerated hereinabove, more so, when the recovery effected is not classified as commercial under the NDPS Act, 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 16, 2023  
*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |