

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

CRM-M-50047-2022 (O&M)
Date of Decision:-18.1.2023

Ajay Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mikhail Kad, Advocate for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.10, dated 6.1.2020 at Police Station City Sunam, District Sangrur, under Sections 22/29 of Narcotic Drugs and Psychotropic Substances Act and Sections 192 and 207 of Motor Vehicle Act.
2. As per the case of prosecution, on 6.1.2020, the police received secret information to the effect that Ajay Kumar (petitioner), Navneet Singh @ Baru and Chindi indulge in sale of intoxicating tablets and that they were proceeding in a car from Mohrawali towards Bigrwal road and were carrying huge quantity of intoxicating tablets. Pursuant to receipt of said information, the police swung into action and laid barricading and was able to intercept the

vehicle bearing registration No. HR-22M-2218. Three persons were found sitting in a car who disclosed their names as Ajay Kumar (petitioner), Navneet Singh and Chindi. The search of the vehicle led to recovery of 20,000 tablets of 'Tramadol Hydrochloride', which falls in the category of 'commercial' quantity.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that there is non-compliance of Section 42 of NDPS Act inasmuch as it is a case of recovery of contraband pursuant to receipt of secret information, which was never ever conveyed to superior officer. It has further been submitted that the petitioner has been behind bars since the last more than 3 years and since the trial is proceeding at snail's pace, the petitioner cannot be kept behind bars for an indefinite period. Learned counsel for the petitioner has submitted that identically situated co-accused namely Chindi @ Chindi Kaur and Navneet Singh have already been granted bail by this Court vide common order dated 21.9.2022 passed in CRM-M-15537-2020.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red-handed alongwith co-accused and was found sitting in the car from which 'commercial' quantity of contraband i.e. 20000 tablets of 'tramadol hydrochloride' were recovered, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 3 years. Learned State counsel has also informed that the petitioner stands involved in one more case registered under Excise Act and also in another case i.e. in FIR No.9 dated 6.1.2020, Police Station Sunam, under Section 22 of Narcotic Drugs and

Psychotropic Substances Act, wherein he had been nominated as an accused with the aid of Section 29 of NDPS Act. It has further been informed that as on date none out of the cited 21 PWs has been examined.

5. This Court has considered the rival submissions.
6. 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

7. Keeping in view the totality of the facts and circumstances of the case, particularly long custody of the petitioner and that identically situated co-accused namely Chindi @ Chindi Kaur and Navneet Singh have already been granted bail by this Court vide common order dated 21.9.2022 passed in CRM-M-15537-2020 and also that conclusion of trial is likely to consume time inasmuch as not even a single PW out of the cited 21 PWs has been examined so far, the petition merits acceptance and is hereby accepted.
8. 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.
9. 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

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No