

223 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-48890-2023
Date of decision: 23.11.2023

MANIK DALIA @ MANIAPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No. 47 dated 26.03.2023 under Sections 21 NDPS Act, 1985 registered at Police Station Navi Baradari, District Jalandhar Commissionerate.

2. Learned counsel submits that as per allegations levelled only 150 grams of heroin was recovered from the conscious possession of the petitioner, which is not classified as commercial quantity under the NDPS Act. It has been submitted that after the challan was presented on 02.09.2023 only one prosecution witness, out of 11 cited has been examined so far. Hence, the trial would take considerable time to conclude and in the facts and circumstances, particularly the small quantity of heroin effected from the petitioner, he deserves to be enlarged on bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that the petitioner along with two others were travelling

together in a car, when they were intercepted by a police party on suspicion; when they were searched after obtaining the requisite consent from the petitioner under Section 50 of the Act, a total recovery of 400 grams of heroin (150 grams from the petitioner), another 100 grams from Raghubir and 150 grams from accused Karan was effected. He submits that since all three were travelling together, when they were intercepted, it was discernible that they all were in conscious possession of the contraband so effected. Learned counsel has also submitted that after the petitioner was arrested on 26.03.2023, the trial has been proceeding at a reasonably good pace, as the remaining 10 prosecution witnesses, in all likelihood, would be examined in the next couple of months.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. Petitioner along with co-accused were allegedly apprehended with total 400 grams of heroin, which falls under the commercial quantity as prescribed under the NDPS Act. There is every likelihood of the trial concluding in the near future.

6. In the facts and circumstances as enumerated hereinabove, no ground is made out to extend the concession of bail to the petitioner.

7. Dismissed.

8. Nothing contained herein above, shall be construed as an expression of opinion on the merits of the case.

23.11.2023

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(MANJARI NEHRU KAUL)
JUDGE

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