

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

208

CRM-M-56661-2022  
Date of Decision :27.03.2023

**Balkar Singh**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Anurag Chopra, Advocate and  
Mr. Akshat Dalal, Advocate for the petitioner.

Mr. Gurvinder Singh, AAG, Punjab.

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**Harsimran Singh Sethi, J. (Oral)**

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.35 dated 22.06.2019 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station, Sarai Amant Khan, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner is behind the bars for the last approximately more than three and a half years and allegations against the petitioner are with regard to recovery of 280 grams of contraband, which quantity is marginally more than the commercial quantity. Learned counsel for the petitioner argues that the trial is not being concluded and the petitioner is suffering prejudice hence, the petitioner may kindly be granted the concession of regular bail.

A status report was sought from the Court below with regard to delay in concluding the trial. A report dated 09.03.2023 has been received from the Additional District and Sessions Judge that only two prosecution witnesses are left to be examined in the present case.

The prayer of the petitioner for the grant of regular bail cannot be accepted for the reason that it has come on record that the quantity of the contraband alleged to have been recovered from the petitioner is of commercial in nature and to grant the benefit of regular bail to the petitioner is to be in accordance with Section 37 of the NDPS, Act, according to which section, bail can only be granted in case Court is of the view that allegations are false and accused will not indulge in the same activities after the grant of bail. Learned counsel for the petitioner has not been able to convince this Court about the fulfillment of the two parameters provided under Section 37 of the NDPS Act by the petitioner.

Learned counsel for the petitioner submits that the contraband was weighed with polythene bag hence, benefit of the said act should be extended in favour of the petitioner.

In the present case, nothing has been brought to the notice of this Court that the polythene in which contraband was weighed was of more than 30 grams as the weight of the alleged contraband recovered was 280 grams hence, no ground to grant the benefit of regular bail to the petitioner is made out.

Keeping in view the above, the present petition is disposed of with the direction to the trial Court to conclude the trial within a period of three months from the next date of hearing positively even if, the same is to be done by giving short dates and all efforts are to be made to summon the

presence of the witnesses concerned.

March 27, 2023  
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(HARSIMRAN SINGH SETHI)  
JUDGE

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