

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-57007-2022

Date of decision : 20.12.2023

BIKRAMJEET SINGH ALIAS BIKKA

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

HARKESH MANUJA.J. (ORAL)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.104 dated 20.09.2022 registered under Section 21 of the NDPS Act. 1985 at Police Station Zira, District Ferozepur, wherein the petitioner has been implicated against the recovery of 620 loose intoxicant tablets containing salt 130 grams Clonazepam.

2. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that three more cases under NDPS Act are pending against him.

3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. The petitioner has already undergone incarceration of about 1 year 2 months and 28 days and the recovery involved is marginally

higher than the commercial quantity. Though the petitioner is involved in

three other cases under NDPS Act, however, all of those pertain to recovery of non-commercial quantity. The challan has been presented on 05.01.2023, however, even after the expiry at 11 months, no prosecution witness has been examined so far.

4. Considering the fact that the investigation in the present case, already stands concluded with the filing of challan and trial is likely to take some time, besides it, the petitioner is already behind the bars for the last almost 1 year 2 months and 28 days, I do not find any reason to extend the incarceration of the petitioner any further.

5. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

6. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

(HARKESH MANUJA)
JUDGE

20.12.2023

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Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No