

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

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**CRM-M-57858-2022
Date of decision: 24.01.2023**

Nand Lal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.S. Randhawa, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the fourth petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.0074 dated 23.06.2020 lodged under Sections 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Moga, District Moga.

Learned counsel for the petitioner *inter alia* contends that false recovery of 9200 tablets of tramadol has been planted upon the petitioner in a case of chance recovery. Learned counsel submits that as per the allegations levelled he along with co-accused was riding a motorcycle with the contraband concealed between both of them. He further submits that the petitioner has now been in custody for more than two and a half years having been arrested on 25.06.2020 and there is no likelihood of the trial concluding in the near future as prosecution evidence has not yet concluded.

Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner by contending that no doubt the petitioner is not involved in any other criminal case, however, the recovery effected from the petitioner was huge and it fell under the commercial quantity. It has also been submitted that the bail of co-accused Pawan already stands declined by this Court. Learned State counsel has still further submitted that the prosecution evidence is underway and the trial would not take much time to conclude as all the remaining prosecution witnesses are official witnesses.

On a pointed query put to the learned State counsel, he submits that the next date fixed before the Trial Court is 20.03.2023.

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

Prima facie there are serious allegations levelled against the petitioner of having been found in possession of 9200 tablets of tramadol which without doubt falls under commercial quantity. In the circumstances, this Court does not deem it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is dismissed.

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.

At this stage, a prayer has been made by learned counsel for the petitioner that since the petitioner has been in custody for almost two and a half years, the Trial Court be directed to expedite the trial and

conclude it expeditiously.

The Trial Court shall make earnest efforts to conclude the trial at the earliest.

24.01.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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