

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

232

2023:PHHC:163311

CRM-M-60093-2023

Date of decision: December 19th, 2023

Amit Sooden @ Amit

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.88 dated 28.06.2021 under Sections 21 (c) and 29 of the NDPS Act, at Police Station Sadar, Pathankot.

2. Learned counsel for the petitioner submits that even though the petitioner was arrested way back on 28.06.2021 for allegedly being found in possession of 5 kilograms, 765 grams of cocaine, however, the trial had not concluded till now as only six prosecution witnesses had been examined. A prayer has, therefore, been made to enlarge the petitioner on bail as he has clean antecedents.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has informed the Court that a specific secret informed was received qua the involvement of the petitioner in the sale and purchase of narcotics; when the petitioner was intercepted by the police pursuant to the aforementioned secret information, a huge recovery of 5.765 kilograms of cocaine was effected from the vehicle, which was being driven by

none other than the petitioner himself. Learned State counsel has submitted that during investigation, four more persons, who were the accomplices of the petitioner, were nominated and were arrested by the police. Learned counsel submits that the four persons, who had been nominated by the petitioner, had since been enlarged on bail and the delay in the trial had been only on account of those four accused continuously moving applications for exemption from personal appearance. Learned State counsel has vehemently opposed the prayer made for extending the concession of bail to the petitioner as there could be a likelihood of the petitioner absconding during trial seeing the delay tactics being employed by the co-accused, who are on bail.

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

5. 100 grams of cocaine has been classified as commercial quantity under the NDPS Act, whereas recovery of 5.765 kilograms of cocaine was effected, which is a huge recovery, to say the least. This Court, in the circumstances, would not be inclined to extend the concession of bail to the petitioner.

6. The instant petition stands dismissed.

7. 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.

8. At this stage, a request has been made by the learned counsel for the petitioner that since the petitioner has been in custody for more than two years having been arrested on 28.06.2021, the trial Court be directed to expedite the trial.

9. The trial Court is directed to make earnest efforts to expedite the trial and conclude it at the earliest preferably within five months from today.

December 19th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No