

229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4888-2024
Decided on : 18.04.2024

Sunil Kumar Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Hamid Hussain, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.156 dated 07.10.2022 under Sections 22, 61 and 85 of NDPS Act, 1985 registered at Police Station Lalru District SAS Nagar (Mohali).

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case for allegedly being found in possession of 100 strips containing 60 tablets each (total 6000 tablets) of Lomotil. It has been submitted that the petitioner being innocent is evident from the fact that he is not involved in any other case much less under the NDPS Act. It has further been submitted that after the challan was presented on 31.03.2023, trial had been proceeding at a snail's pace as only two prosecution witnesses out of 11 had been examined till date. It has

also been submitted that the petitioner has now been in custody since 07.10.2022 and the trial would take considerable time to conclude as 08 prosecution witnesses still remain to be examined. Thus, his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has controverted the contentions of learned counsel for the petitioner and submitted that a huge recovery of 22,800 tablets of Lomotil was affected from the petitioner and the co-accused, who were both nabbed at the spot, on suspicion. It has been further apprised by the State counsel that the trial had been going at smooth pace as four witnesses already stand examined and the remaining witnesses are likely to be examined on the next date of hearing i.e. 03.05.2024. Hence, the trial would not take much time to conclude now since the remaining witnesses are mostly formal witnesses.

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

5. *Prima facie*, there are specific allegations against the petitioner coupled with the fact that the recovery of the contraband affected from him is huge, much higher than the minimum classified as commercial quantity under the NDPS Act.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, 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.

18.04.2024
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(MANJARI NEHRU KAUL)
JUDGE

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