

257 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7742-2024
Decided on : 20.02.2024

Sumit Makkar Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Saksham Malhotra, 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.96 dated 26.04.2022 under Sections 22, 22(c), 25 and 29 of NDPS Act, 1985 (Sections 22(c) and 29 added later on) registered at Police Station Jamalpur District Ludhiana.

2. Learned counsel for the petitioner *inter alia* contends that falsity of the prosecution version is evident from the fact that the alleged recovery of 18100 intoxicant tablets containing salt Tramadol hydrochloride and Alphasafe containing salt Alprazolam and 14100 intoxicant capsules containing salt Paracetamol diclomine hydrochloride (totalling 32200) were effected from the room, which was neither owned by the petitioner nor had been rented out to him.

Learned counsel has submitted that after the petitioner was arrested on 26.04.2022, challan was presented on 15.10.2022, however, till date only two prosecution witnesses had been examined and that too only partially. Hence, there was no likelihood of the trial concluding in the near future. It has also been submitted that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Madan Lal, has however disputed the submissions made by the counsel opposite and submitted that the statement of the landlord of the room had been recorded during investigation wherein he had categorically stated that the room in question from where alleged recovery was effected had been rented out to all the accused including the petitioner for which they were paying Rs.3,200/- per month as rent. Learned State counsel has further submitted that a specific secret information was received with respect to the involvement of all the accused including the petitioner in the crime in question and it was only thereafter and that too after complying the mandatory provisions of NDPS Act, the raid was conducted by the police and the petitioner was apprehended at the spot. Learned State counsel has further submitted that after the charges were framed on 18.08.2023, trial had been proceeding at a considerably good pace as two prosecution witnesses had since been examined and the next date of hearing fixed before the

trial Court is 06.03.2024 when some more prosecution witnesses are likely to be examined.

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

5. *Prima facie*, there are serious and specific allegations against the petitioner coupled with the fact that the recovery of the contraband effected from him in the present case is huge, which is much higher than the minimum classified as commercial quantity.

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.

20.02.2024
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(MANJARI NEHRU KAUL)
JUDGE

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