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**211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-5859-2024
Decided on : 14.08.2024

Abhi Verma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Shivender Pal Singh, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.32 dated 24.03.2023 under Sections 18(c) of NDPS Act, 1985 registered at Police Station Sangat District Bathinda.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 23.03.2023 for allegedly carrying 2.6 kgs of opium in a bag; the alleged recovery has been falsely planted upon him and is just marginally higher than the minimum classified as commercial under the Act. It has been submitted that the alleged contraband was weighed along with the bag and assuming for the sake of argument though not conceded that he was indeed apprehended with the aforementioned



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contraband, had the recovered contraband been weighed without the bag it would have been short of the minimum classified as commercial under the NDPS Act. Learned counsel has submitted that the petitioner has no criminal antecedents; challan stands presented, charges framed and as on date, only one prosecution witness out of 12 cited has been examined and hence, the possibility of the trial concluding in the near future seems improbable.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has submitted that it was on suspicion the petitioner was apprehended by the police leading to the recovery of 2.6 kgs of opium, though just marginally higher than the minimum classified as commercial under the NDPS Act. Learned State counsel has not disputed the stage of trial and has also not disputed that the petitioner has clean antecedents.

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

5. The petitioner has been in custody for more than a year having been arrested on 23.03.2023. Trial is unlikely to conclude in the near future as 11 prosecution witnesses still remain to be examined. The petitioner is not stated to be involved in any other criminal case.

6. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has clean antecedents, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be



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admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

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. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

14.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

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