



**211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-7728-2024

Date of Decision: May 20, 2024

Bikram @ Vikram @ Honey

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. K.B.S. Mann, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.170 dated 30.07.2022, under Sections 21 and 29 (Act No.61 of 1985) of the NDPS Act (for short 'the NDPS Act') {Section 25 (Act No.54 of 1959) of the Arms Act added later on}, registered at Police Station City Moga, District Moga.

2. As per the prosecution allegations, on the basis of secret information, police raided the disclosed place. Co-accused Lovejit Singh @ Love was found to be climbing stairs. He was in possession of a computer kit bag and after necessary statutory compliance, the same was searched and 500 grams of heroin and ₹10,45,800/- as drug money was recovered. Apart from this, on reaching the room, i.e. the disclosed place, petitioner – Birkam @ Vikram @ Honey alongwith co-accused Bhupinder Singh alias Bittu, Ranjit Singh @ Money was there and 500 grams of heroin was recovered from them.

3. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that co-accused Jaspreet Singh @ Jassa, from whom 290 grams of heroin alongwith ₹3 lacs was recovered, pursuant to the disclosure statement of co-accused Lovejit Singh @ Love, has already been allowed bail by this Court, vide order dated 03.11.2023 passed in CRM-M-47134 of 2022. Learned counsel contends that similarly placed co-accused Ranjit Singh alias Money has already been allowed bail by this Court vide order dated 05.04.2024 passed in CRM-M-57980-2023.

4. Learned counsel for the petitioner also submits that the trial may take long time to conclude; and that the petitioner is in custody for the last more than 01 year and 09 months.

5. Learned State counsel has strongly opposed the bail petition by pointing out the commercial category of the contraband as recovered from the petitioners. It is also informed by learned State counsel co-accused Jaspreet Singh @ Jassa, who has already allowed bail by this Court, was not arrested from the spot. However, learned State counsel does not dispute the fact that the case of the petitioner is on parity with co-accused Ranjit Singh alias Money.

6. As per the custody certificate, petitioner in custody for the last 01 year, 09 months and 14 days with no other criminal case pending against him.

7. Learned State counsel, on instruction from ASI Harnesh Taak, informs that out of 32 witnesses cited by the prosecution, only 01 has been examined so far. Thus, trial is likely to take long time.

8. In the aforesaid facts and circumstances, when the trial is likely to take long time to conclude, so having regard to the long incarceration of the petitioner, the rigors of Section 37 of the NPDS Act are required to be balanced with Article 21 of the Constitution of the India, of which the speedy trial is a facet.

9. As such, without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

May 20, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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