IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7797 of 2023(O&M)
Date of Decision: 27.02.2024

Manohar Lal

…**Petitioner**

Versus

State of Punjab …**Respondent**

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Surender Garg, Advocate
For the petitioner.

Mr. J.S. Dhaliwal, AAG Punjab.

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KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No. 147 dated 23.06.2022, registered under Sections 22(c) of Narcotic Drugs and Psychotropic Substances Act (for brevity, NDPS Act) at Police Station Lambi, District Sri Muktsar Sahib.

2. The allegations in nutshell are that on 23.06.2022 petitioner and other two accused were apprehended and police recovered 1000 tablets of Clovedol-100 SR containing salt Tramadol Hydrochloride from them.

3. The counsel for the petitioner submits that the petitioner was falsely implicated in the present case and that the petitioner is in custody for the last more than 01 year and 08 months and is having no criminal history and the trial is not progressing ahead and in the given circumstances the petitioner is entitled to get benefit of regular bail. In support of his contentions, the counsel for the petitioner has placed reliance on decision of Hon'ble Supreme Court in **Hasanujjaman & ors. State of West Bengal**

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SLP (Crl.) No. 3221 of 2023, decided on 04.05.2023, wherein in a case of recovery of commercial quantity of contraband, the accused was granted bail on account of the fact that he was in custody for more than 01 year and 04 months.

4. The present petition is resisted by the State counsel who submits that in the present case commercial quantity of medical intoxicants were recovered from the petitioner and two other accused persons. It is further submitted that rigors of Section 37 of NDPS Act are applicable in the instant case. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 01 year and 08 months and is having no criminal history and further till date prosecution is able to examine only one witness out of total 11 witnesses.

5. I have considered the submissions made by counsel for the parties.

6. As per prosecution version all the three accused including the petitioner were found carrying one polythene bag having 1000 tablets of Clovedol-100 SR containing salt Tramadol Hydrochloride and they were apprehended at the spot by the police officials. The said medical intoxicants come under commercial quantity as per provisions of NDPS Act.

7. As per the custody certificate furnished by the State counsel, the petitioner is in custody for the last more than 01 year and 08 months and is having no criminal history. Admittedly, it will take considerable time for the trial to conclude as till date prosecution has examined only one witness out of total 11 witnesses. Thus, there is a delay in trial and the petitioner is not responsible for the same. In the given circumstances, the effect of

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Section 37 of NDPS Act will be diluted. No fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

8. In light of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

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

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