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

CRM-M-10491-2024

Date of Decision:- 27.08.2024

KAILASH

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Navjot Kaur, Advocate for
Mr. Avtar Singh Khinda, Advocate for petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J. (Oral)

1. Petitioner – Kailash has filed the instant third petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.52 dated 28.06.2022 under Sections 21 and 22 of NDPS Act, registered at Police Station Begowal, District Kapurthala.

2. Facts of the case are that on 28.06.2022 ASI Sukhdev Singh along with police party was going on routine patrolling and when they reached village Nadali 400 meter ahead of Khalsa College Begowal they saw one young boy and one lady coming from the side of office of Electricity Board. On seeing police party, young boy took out transparent envelope from his pocket and threw it on the road. The Investigating Officer with the help of police party apprehended both the persons. Young



boy disclosed his name as Neeraj Kumar and lady disclosed his name as Kailash wife of Paramjit. Search was conducted as provided under NDPS Act and from the possession of petitioner 705 intoxicant tablets were recovered and from the possession of non-applicant Neeraj 4.56 grams of heroin was recovered. On the basis of this recovery, present FIR has been registered.

3. Learned counsel for petitioner argued that she is falsely implicated in this case. After presentation of challan, no witness has been examined. She is behind the bars since 28.06.2022. Trial of this case is likely to take long time. Therefore, regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing State. Detailed status report has been filed which is taken on record. It is pointed out that after completion of investigation challan has been presented on 01.12.2022. Out of 10 prosecution witnesses, 2 have been given up and next date fixed in this case is 26.09.2024. Petitioner was found in possession of 705 tablets each having ETIZOLAM salt which falls in commercial quantity. Therefore, petitioner is not entitled to be released on regular bail.

5. I have considered the arguments and have gone through the record. It is a case of alleged recovery of commercial quantity of contraband. As per the status report, challan was presented on 01.12.2022 and till date no witness has been examined. Next date fixed in this case is 26.09.2024. Considering the stringent provisions of Section 37 of NDPS Act, regular bail application filed by the petitioner is declined. It cannot be ignored that petitioner is behind the bars since long. Trial falls in the



category of old case, therefore, learned trial Court is directed to expedite the trial by giving short adjournments.

6. My observations are made for the disposal of this petition and it will have no bearing on merits of case.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

27.08.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No