

JAGTAR SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Anurag Arora, Advocate for the petitioner.
Mr. Kewal Singh, Addl. A.G. Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.104, dated 15.07.2022, registered under Section 15(c) of the NDPS Act, 1985 and Sections 27, 29, 31-61-85 of the NDPS Act, 1985 (added later on), at Police Station Nakodar Sadar, District Jalandhar Rural.
2. In the present case, the petitioner along with his co-accused was apprehended against alleged recovery of 52 kg of ‘poppy husk’ was effected.
3. On the other hand, prayer made herein has been opposed at the instance of learned State counsel while referring to the antecedents of petitioner who is stated to be involved in one more case of NDPS besides few others under the provisions of IPC.
4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.
5. Admittedly, investigation in the present case already stands concluded with the filing of challan, followed by framing of charges and the petitioner is behind the bars for the past more than 01 year & 06 months and

trial is likely to take some time as only 03 witnesses have been examined out of total 13 witnesses cited by the prosecution. Though, the petitioner is stated to be involved in one more case of NDPS however, the same relates to recovery of non-commercial quantity i.e. 32 kilograms of poppy husk and the petitioner is already on bail in the said case. Moreover, in terms of law laid down by Hon’ble Supreme Court in cases of “**Prabhakar Tewari Vs. State of U.P., 2020(1) RCR (Criminal) 831**” and “**Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another, 2012(2) SCC 382**”, pendency of other cases cannot be made the sole ground to deny the concession of bail. Furthermore, the recovered quantity of contraband is marginally higher than the non-commercial quantity. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

05.03.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No