

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

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**CRM-M-14948-2022
Date of decision : 10.01.2024**

Sukha Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr.Vivek K. Thakur, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, Asstt. A.G. Punjab.

HARKESH MANUJA.J. (ORAL)

1.. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No. 95 dated 14.12.2020 registered under Sections 15-C, 25 and 29 of the Narcotic Drugs and Psychotropic Substances, Act 1985 and Section 192(a) of the Motor Vehicle Act added in challan at Police Station Bholath, District Kapurthala, wherein the petitioner was implicated against the recovery of truck containing 10 bags of 25 Kg each of Poppy Husk.

2. Short reply by way of affidavit of Bharat Bhushan, PPS, Deputy Superintendent of Police, Sub Division Bholath, Kapurthala has been filed on behalf of respondent-State of Punjab. The same is taken on record.

3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that huge recovery is involved in

the FIR.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

5. The petitioner has already undergone incarceration of about 3 years and 17 days. Only 5 prosecution witnesses have been examined out of the total 14 prosecution witnesses. There is no other NDPS case registered against the petitioner.

6. Considering the fact that the investigation in the present case, already stands concluded with the filing of challan and trial is likely to take some time, besides it, the petitioner is already behind the bars for the last almost 3 years and 17 days, I do not find any reason to extend the incarceration of the petitioner any further.

7. 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 learned trial Court/Duty Magistrate.

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

(HARKESH MANUJA)
JUDGE

10.01.2024
monika

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