

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-15395-2024
Date of Decision.:22.05.2024

Dalip GuptaPetitioner
Vs.
State of PunjabRespondent
CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Nitin Rampal, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab
assisted by ASI Gurmeet Singh.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.62 dated 10.05.2023 registered under Section 15 NDPS Act, 1985 registered at Police Station City Moonak, District Sangrur.

2. As per prosecution allegations, on the basis of secret information, *naka* was laid. Petitioner was apprehended while driving a truck and from his possession, 100 Kg of poppy husk was recovered on 10.05.2023.
3. Learned counsel contends that petitioner has been falsely implicated; he was a driver only working under the owner and did not know

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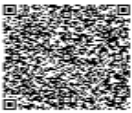
about the contents of the truck; that he is poor labourer who was working as an employee. Learned counsel also contends that petitioner has never been involved in any such case and in custody for the last more than one year and not even a single witness has been examined so far.

4. Status report by way of an affidavit of Shri Parminder Singh PPS, Deputy Superintendent of Police, Sub Division, Moonak, District Sangrur has been filed on behalf of respondent- State.

5. Learned State counsel has opposed the bail petition on the ground that recovered quantity of contraband falls in the commercial category and so, rigors of Section 37 of the NDPS Act will be applicable.

6. The custody certificate placed on record by learned State counsel would reveal that petitioner is in custody for the last 01 year and 06 days. He has no other criminal case pending against him. Learned State counsel, on instructions from ASI Gurmeet Singh, also informs that out of 15 witnesses cited by the prosecution, not even a single witness has been examined so far, though charges have already framed. Thus trial is likely to take long time to conclude. The recovered quantity of contraband is double than the threshold from which the commercial starts.

7. Having regard to all the above facts and circumstances, the rigors of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India guaranteeing Fundamental Right to life and liberty of which speedy trial is a facet.



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8. As such, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

May 22, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No