

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

235

2024:PHHC:016204

CRM-M-16715-2023

Date of decision: February 6th, 2024

Baljit Singh alias Choocha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sukhbir Maandi, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.232 dated 05.09.2022 under Section 22 of the NDPS Act, 1985 (Sections 61 and 85 of NDPS Act added later on) registered at Police Station Sultanpur Lodhi, District Kapurthala.

2. Learned counsel for the petitioner submits that a false case has been planted upon the petitioner for being found in possession of 1100 tablets of Alprazolam. He submits that the recovery effected of 125 grams of Alprazolam was just marginally higher than the minimum classified as commercial under the NDPS Act. It has been submitted that though the petitioner was arrested way back on 05.09.2022, however, the trial had not yet concluded as none of the prosecution witnesses had been examined till date. A prayer has, therefore, been made to enlarge the petitioner on bail as there is no likelihood of the trial concluding in the near future.

3. *Per contra*, learned State counsel while opposing the

prayer and submissions made by the counsel opposite, has submitted that 1100 intoxicant tablets of Alprazolam were recovered from the conscious possession of the petitioner, after due compliance of all the mandatory provisions of the Act. It has been further submitted that the charges were framed in the present case as recently as on 15.12.2023 and the next date fixed before the trial Court is 18.03.2023 when the prosecution evidence is likely to commence. Learned State counsel has, on further instructions, informed the Court that since the petitioner is involved in five other criminal cases, through under Section 379-B IPC, he was being taken on production warrants to various Courts and that was also one of the reasons for the trial being slightly delayed.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. *Prima facie*, the petitioner comes across as a man of criminal antecedents. The recovery allegedly effected from him has been classified as commercial.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to enlarge the petitioner on bail.

7. The instant petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 6th, 2024

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No