



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

219

CRM-M-17593-2024

Date of Decision.:02.07.2024

Santrup Singh @ Santroop Singh @ Santa

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

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.54 dated 22.10.2022 under Section 15 & 29 of NDPS Act, 1985 registered at Police Station Dharamgarh, District Sangrur.

2. It is his second petition. The earlier petition bearing No. CRM-M-32908-2023 was dismissed as withdrawn vide order dated 31.08.2023 (Annexure P-7).

3. As per the prosecution allegations, during patrolling and checking, petitioner was apprehended on 22.10.2022 and found in possession of 04 plastic bags each containing 20 kg 500 gram of poppy

**CRM-M-17593-2024****-2-**

husk. Thus total quantity of poppy husk recovered from the petitioner was 82 kg which is above the threshold of 50 kg from which the commercial starts.

4. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that he is in custody for the last more than 01 year and 08 months; that trial may take time to conclude and so, he be allowed bail.

5. Latest custody certificate has been placed on record by learned State counsel.

6. Learned State counsel has opposed the bail petition by pointing out towards the commercial category of contraband. Learned State counsel also drawn attention towards the criminal antecedents of petitioner, who is stated to be involved in as many as 09 other cases.

7. Heard.

8. Out of 09 cases details of which are given in the petition as well as custody certificate, petitioner has already been acquitted in case FIR No.84 of 2016, as conceded by learned State counsel.

9. Two other cases pertaining to NDPS Act and both those cases are of non-commercial category as mentioned by the petitioner in para No.14 of his petition.

10. Rest of the cases do not pertain to NDPS Act.

11. Apart from above, learned State counsel also informed that out

**CRM-M-17593-2024****-3-**

of 21 witnesses cited by the prosecution, 11 have been examined so far. Thus trial is likely to take long time to conclude. Petitioner is in custody for the last 01 year 08 months and 12 days, as per the custody certificate placed on record.

12. Having regard to the period of incarceration and the fact that trial is likely to take long time to conclude, 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.

13. 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

July 02, 2024

Neetika Tuteja

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