

S. No.220

2024:PHHC:030447

2024:PHHC:030449

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:04.03.2024

1. CRM-M-31346 of 2023

Nachhattar Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

2. CRM-M-44431 of 2023

Rajbir Singh alias Rajveer alias Babbu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.S. Sekhon, Advocate for the petitioner
in CRM-M-31346 of 2023.

Mr. Vikramjeet Singh, Advocate for the petitioner
in CRM-M-44431 of 2023.

Mr. Amandeep Singh, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of the present petitions filed under Section 439 Cr.P.C.,
petitioners pray for grant of regular bail in case FIR No.76 dated 07.07.2022
registered under Section 22 (Act No.61 of 1985) of Narcotic Drugs and
Psychotropic Substances Act (for short, 'the NDPS Act') at Police Station Maur,
District Bathinda.

2. This is second petition i.e. CRM-M-44431 of 2023 filed by petitioner
– Rajbir Singh alias Rajveer alias Babbu. His earlier petition bearing CRM-M-
6542 of 2023 (O&M) was dismissed as withdrawn vide order dated 19.07.2023
(Annexure P.2).

3. As per allegations, 2000 tablets of TRAMWEL SR 100 (containing the salt of Tramadol Hydrochloride) and 1200 tablets of Alprasafe, (containing the salt of Alprazolam) were recovered from the possession of the petitioners on 06.07.2022.

4. It is contended by learned counsel for the petitioners that the petitioners are in custody for the last more than one year; that the trial is likely to take long time and that they are not involved in any other case pertaining to the NDPS Act and, so, they be allowed bail.

5. Learned State Counsel has strongly opposed the bail petition by pointing out towards the commercial nature of the contraband recovered from the petitioners. The commercial category for Tramadol starts from 250 grams and in the present case salt of Tramadol as found in the recovered contraband was 785 grams. The commercial category for Alprazolam starts from 100 grams and in the present case, recovery quantity of the contraband contained 172 grams of Alprazolam.

6. Learned State Counsel, on instructions from ASI Arjun Singh, however, concedes that none of the petitioners are involved in any other case pertaining to the NDPS Act. The custody certificate of petitioner – Rajbir Singh @ Rajveer @ Babbu reveals that he is in custody for the last 01 year 04 months and 24 days. He is involved in one more case but that pertains to Excise Act. The custody period of petitioner – Nachhatar Singh is 01 year and 08 months. He is involved in two more cases but both of them pertain to the Excise Act. Thus none of the petitioners have any criminal antecedents regarding the NDPS Act.

Learned State Counsel also informs that out of nine witnesses cited by the

prosecution, three have been examined. Thus, the trial is likely to take long time to conclude.

7. Having regard to the afore-said facts and circumstances, but without commenting anything on the merits of the case, the present petitions are allowed. Both the petitioners are admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

8. A photocopy of this order be placed on the file of connected case.

March 04, 2024
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(DEEPAK GUPTA)
JUDGE

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