



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

210

CRM-M-22419-2024  
Date of decision: August 9<sup>th</sup>, 2024

Sahil Mehra  
.....Petitioner

Versus

State of Punjab  
.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. D.R. Punia, Advocate  
for the petitioner.  
  
Mr. Amit Rana, Senior Deputy 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.45 dated 12.03.2022 under Sections 21, 21-C, 29 of the NDPS Act registered at Police Station STF, SAS Nagar.

2. Learned counsel for the petitioner submits that although charges in the present case were framed way back on 10.08.2022, however, till date, only two prosecution witnesses out of 26 had been examined, hence, the petitioner could not be made to languish in custody for an indefinite period. It has also been submitted that a false and fabricated case has been planted upon the petitioner and thereafter, a recovery of 2.5 kilograms of heroin is shown to have been affected from his conscious possession.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has, on instructions, submitted that a secret information was received by the police with

respect to the involvement of the petitioner in drug trafficking. Pursuant to the secret information, the petitioner was apprehended and thereafter, a huge recovery weighing 2.5 kilograms of heroin was affected from the conscious possession of the petitioner and that too after due compliance of all the mandatory provisions of the NDPS Act. It has also been submitted by the learned State counsel that the petitioner is a habitual offender as it is a matter of record that he is facing trial in one more case under the NDPS Act. Learned State counsel, on instructions, has also disputed the submissions made by the counsel opposite qua the status of the trial by asserting that nine prosecution witnesses have since been examined and the remaining 17, out of whom most of the witnesses are formal in nature, remain to be examined. Hence, the trial would not take much time to conclude.

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

5. The petitioner *prima facie* comes across as a habitual offender as it is a matter of record that other than the present case, he is involved in one other FIR under the NDPS Act. The recovery affected in the present case is huge and has been classified as commercial. The trial has been proceeding at a reasonably good pace and in all likelihood, it would not take much time to conclude when an assurance also has been given by the learned State counsel that the remaining prosecution witnesses would be appearing on each and every date of hearing before the trial Court.

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

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.

**August 9<sup>th</sup>, 2024**  
*Puneet*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No