



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

108+231

CRM-M-22920-2024 (O&M)

Date of decision: 31.07.2024

VED RAM

....Petitioner

V/s

NARCOTICS CONTROL BUREAU, CHANDIGARH

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anshul Jain, Advocate, for the petitioner.

Ms.Puneeta Sethi, Senior Panel Counsel with
Mr.Yashoodev S. Thakur, Advocate for respondent-NCB.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case bearing Crime No.43/2022 dated 18.06.2022 under Sections 8/20/25/28/29/60 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station NCB Chandigarh Zonal Unit, Mohali.

2. Learned counsel for the petitioner submits that he has been falsely implicated in the present case on the basis of a disclosure statement allegedly suffered by co-accused Varun and Leena Sharma from whom recovery of 3.875 kgs. of Charas was allegedly affected. Learned counsel has argued that the disclosure statement on the basis of which he has been nominated as an accused in the present case does not have much evidentiary value and since the investigation in the present case is complete, challan also stands presented, he deserves to be extended the concession of bail. Learned counsel has further



drawn the attention of this Court to the zimni orders which have been annexed as Annexures P-5 to P-16 in CRM-29833 of 2024 and are taken on record. He has submitted that a perusal of the zimni orders reveals that after the charges were framed on 09.01.2024, the trial had been proceeding at a very slow pace and there was no likelihood of the trial concluding in the near future as 18 prosecution witnesses had been cited.

3. Per contra, learned counsel appearing for the NCB has vehemently opposed the prayer and submissions made by the counsel opposite. It has been contended by the learned counsel that the supplementary challan qua the petitioner was presented on 27.10.2023 pursuant to his role coming to light on the basis of a disclosure statement suffered by co-accused; the recovered contraband had been supplied to the co-accused by none other than the petitioner which fact found support and corroboration from a number of telephonic calls between all the accused. It has also been submitted that the Investigating Officer in the present case has been fully examined, however, it is the defence counsel who has been taking adjournments on some pretext or the other which is evident from a perusal of the zimni orders which have been placed on record by none other than the learned counsel for the petitioner. Learned counsel for the NCB further submits that in the circumstances neither can the prosecution be held responsible nor the trial Court for the purported delay in the conclusion of the trial, even though there is hardly any delay because the petitioner was arrested only on 03.05.2023.

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



5. Specific secret information was received qua the involvement of co-accused Varun in drug trafficking; after due compliance of all the mandatory provisions of the NDPS Act, the co-accused were arrested and a huge recovery of 3.875 kgs. of Charas which has been classified as commercial was affected from them; pursuant to a disclosure statement made by both the co-accused soon after their arrest, the petitioner came to be nominated as an accused in the present case. Prima facie, the petitioner thus, comes across as an accomplice of the co-accused as has been brought to the notice of this Court by the learned counsel for the NCB that there were numerous telephonic calls exchanged between the parties soon before the alleged recovery from the co-accused.

6. Be that as it may, this Court would not be inclined to extend the concession of bail to the petitioner moreso when the trial has been proceeding at a reasonably good pace and as is evident from the zimni orders which have been placed, the delay, if any, is attributable to the counsel for the defence only who had been taking adjournments on some pretext or the other.

7. Accordingly, the instant petition is dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

July 31, 2024
poonam

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No