



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

I. CRM-M-25613-2023

AMANDEEP SINGH @ AMANI

. . . . Petitioner

Vs.

STATE OF PUNJAB

. . . . Respondent

II. CRM-M-4456-2023

AKASHDEEP SINGH

. . . . Petitioner

Vs.

STATE OF PUNJAB

. . . . Respondent

RESERVED ON: 27.05.2024
PRONOUNCED ON: 28.05.2024

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. J.S. Dhaliwal, Advocate, for the petitioner
(in CRM-M-25613-2023)

Mr. Suvir Sidhu, Advocate,
for the petitioner (in CRM-M-4456-2023).

Mr. Amandeep Singh, DAG, Punjab.

DEEPAK GUPTA, J.

In the two petitions titled above, both filed under Section 439
CrPC, petitioners pray for their release on regular bail in case FIR No.159
dated 03.08.2022 under Sections 22(C) and 27 of the Narcotic Drugs and
Psychotropic Substances Act, 1985 [for short 'the NDPS Act'] registered at
Police Station City Budhlada, District Mansa, Punjab.

2. Separate status reports in both the cases have been filed by the respondent-State.

3. As per prosecution allegations, on 03.08.2022, a police party headed by ASI Jaswinder Singh of Police Station, City Budhlada, District Mansa was on patrolling and was checking the suspects. When the police party reached near old age home, Budhlada, it apprehended three suspects, carrying transparent polythene bag, out of which intoxicating tablets were clearly visible. On the information supplied by ASI Jaswinder Singh, SI Karam Singh reached the spot and in his presence, identities of the three suspects were enquired, who disclosed their names as Amandeep Singh @ Amani (*petitioner in CRM-M-25613-2023*), Akashdeep Singh (*petitioner in CRM-M-4456-2023*) and Sukhpal Dass. On checking the transparent polythene bag, strips containing 4000 tablets of Alprasaft; and 800 tablets of Tramatrast SR 100 were recovered. These were taken into possession after making statutory compliances. Reports in respect of samples drawn out of the recovered intoxicating tablets were received from FSL Bathinda. It was found that the 4000 intoxicating tablets make Alprasaft were containing the salt of Alprazolam and the total weight thereof was found to be 485.72 gram. The 800 intoxicating tablets make Tramatrast SR 100 were found to contain the salt of Tramadol Hydrochloride and the total weight of these tablets was found to be 304.248 gram. Necessary investigation was conducted and thereafter, challan has been filed.

4. It is contended by Id. counsels on behalf of both the petitioners that they have been falsely implicated by the police party by concocting a false story. Id. counsels contend that it is highly improbable that petitioners

will carry the intoxicating tablets in a transparent polythene bag in such a way that they could be easily visible to the police party approaching them and that the entire story has been concocted in order to avoid the compliance of mandatory provision of Section 50 of the NDPS Act. Ld. counsels further contend that both the petitioners are in custody for the last more than 1 year and 9 months; that trial is not proceeding further and may take long time to conclude and so, in all these circumstances, they be allowed regular bail.

5.1 Strongly opposing the bail petitions, ld. State counsel points out that two different contrabands, both falling in commercial category, have been recovered from the possession of petitioners and co-accused and so, rigors of Section 37 of the NDPS Act shall be applicable.

5.2 However, it is conceded by ld. State counsel, on the basis of custody certificate placed on record, that both the petitioners are in custody for the last more than 1 year and 9 months and that none of them is involved in any other case.

5.3 Apart from above, ld. State counsel also informs that out of 12 witnesses cited by the prosecution, only one has been examined so far. Thus, trial is likely to take long time to conclude.

6. Having regard to all the aforesaid facts and circumstances, the rigor of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India, which guarantees fundamental right to life and liberty, of which speedy trial also forms a part.

7. Considering all the aforesaid facts and circumstances as noted above, but without commenting anything further on merits of the case, both

the petitions are allowed. Petitioners are admitted to regular bail on their furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, by observing usual terms and conditions.

Pending application(s), if any, also stand disposed of.

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

28.05.2024
Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>