

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

Neutral Citation No. **2024:PHHC:032234**
CRM-M-26562-2023
Date of Decision: March 06, 2024

Pappu Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Arpinder Singh Sidhu, Advocate for
Mr. Parvez Akhtar Dhaliwal, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.002 dated 04.01.2022, under Section 22 (Act No.61 of 1985) of the Narcotic Drugs and Psychotropic Substances Act (for short 'the NDPS Act'), registered at Police Station Bareta, District Mansa.

2. Allegations are that 1920 intoxicating tablets containing the salt of alprazolam were recovered from the possession of petitioner on 04.01.2022. The total weight of contraband was found to be 233.03 grams, which is exceeding the commercial category, which starts from 100 grams.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that petitioner is in custody for the last more than 02 years and 01 month; that trial is likely to take long time to conclude, so he be allowed bail.

4. Learned State counsel has opposed the bail petition by pointing out towards the fact that the recovered contraband from the petitioner falls in the commercial category. Learned State counsel has also

drawn attention towards the custody certificate, so as to contend that petitioner is involved in 03 more cases pertaining to NDPS Act. Learned State counsel also submits that out of 11 witnesses cited by the prosecution, 06 have been examined.

5. In reply to the aforesaid contentions, learned counsel for the petitioner has placed on record the copies of all the zimini orders as passed by the Trial Court right from the stage of submitting of the challan in the Court till date and contends that only 02 witnesses have been examined so far and examination-in-chief of 3rd witness has been recorded. Learned counsel has also placed on record the copies of judgments passed in two other cases, in which petitioner was involved arising out of FIR No.17 dated 01.02.2015, under Section 15 of the NDPS Act, registered at Police Station Maur, District Bathinda and FIR No.58 dated 18.05.2025, under Section 15 of the NDPS Act, registered at Police Station GRP, Bathinda, so as to contend that in both these cases, petitioner has already undergone the sentence.

6. Learned counsel for the petitioner submits that the third case arising out of FIR No.154 dated 18.12.2010, under Section 15 of the NDPS Act, registered at Police Station Lambi, is quite old and that this case is already over, but the particulars of the said case is not available.

7. Custody certificate placed on record by learned State counsel would reveal that petitioner is in custody for the last 02 years, 01 month and 28 days.

8. Keeping in view the long list of witnesses, the trial is likely to take long time to conclude and so no purpose shall be served to detain the petitioner.

9. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

March 06, 2024
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No