

S. No.221

2024:PHHC:031419

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

CRM-M-29749 of 2023

Date of Decision:05.03.2024

Satya Prasad

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Rajni Narula, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.227 dated 19.10.2022 registered under Section 18 (Act No.61 of 1985) of Narcotic Drugs and Psychotropic Substances Act (for short, 'the NDPS Act') at Police Station Focal Point, Ludhiana.

As per allegations, 3 kg. of opium was recovered from the possession of the petitioner during patrolling by the Police Party on 19.10.2022, when the petitioner on foot tried to throw the polythene bag held in his left hand.

It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated; that trial is likely to take long time as not even a single witness has been examined so far; that recovered quantity of the contraband is marginally higher than the commercial category and that the petitioner is in custody for the last more than 01 year and 04 months, so he be allowed bail.

Learned State Counsel has opposed the bail petition by pointing out towards the commercial category of the contraband. Learned State Counsel has also drawn attention towards the fact that the petitioner is involved in one more case pertaining to the NDPS Act and he is also a convict in another NDPS matter.

It is informed by learned State Counsel that out of 13 witnesses cited

by the prosecution, not even a single witness has been examined so far and thus, the trial is likely to take long time to conclude.

As per the custody certificate placed on record by learned State Counsel, petitioner is in custody for the last 01 year 04 months and 15 days.

Although petitioner is involved in one more case of NDPS Act but that was registered wayback in June, 2010 and he has been released on bail in that case in October, 2010 as per the details given in the custody certificate. Petitioner is also a convict in another case bearing FIR No.187 dated 05.12.2014, but was sentenced to undergo imprisonment for a period of 15 days and that sentence is already over as per the details given in the custody certificate.

Having regard to all the afore-said facts and circumstances, particularly, the long incarceration of the petitioner in custody and that trial may take long time to conclude, no purpose shall be served by keeping the petitioner detained, therefore, without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

March 05, 2024
renu

(DEEPAK GUPTA)
JUDGE

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