



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

249

CRM-M-38247-2024

Date of decision: 13.08.2024

Deepanshu Verma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sukhdeep Singh, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.90 dated 19.10.2022 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Rajpura, District Patiala.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 19.10.2022 and it is a matter of record that till date only 01 witness out of the 14 cited by the prosecution, has been examined. Learned counsel has submitted that even though challan was presented on 02.02.2023 and charges were framed on 06.03.2023, however, the case was being adjourned before the learned Trial Court on account of continuous absence of the prosecution witnesses. It has been further submitted that identically placed co-accused Navdeep Singh has already been granted the



CRM-M-38247-2024

-2-

concession of bail on account of inordinate delay in the conclusion of the trial. In support, learned counsel has drawn the attention of this Court to Annexure P-2 which is the order granting bail to co-accused Navdeep Singh. Learned counsel in support of his submissions has placed reliance upon ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]*** by contending that in the said case as well Hon'ble the Supreme Court had granted the concession of bail to the accused by dispensing with the conditions of Section 37 of the NDPS Act.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that the petitioner along with the co-accused were intercepted on suspicion by the police and thereafter recovery of 50 vials of Codeine Phosphate (cough syrup) was effected from the rear seat of the car in which both of them were travelling. Learned State counsel, however, has not disputed the stage of trial and has also not disputed that the petitioner has clean antecedents and is not involved in any other criminal case, much less under the NDPS Act.

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

5. The petitioner has been in custody since 19.10.2022. There is no likelihood of the trial concluding in the near future. The petitioner is not involved in any other criminal case much less under the NDPS Act. Hon'ble the Supreme Court in ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]*** decided on 25.01.2023 has



CRM-M-38247-2024

-3-

observed as under:-

“.... It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.”

6. In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to allow the instant petition by dispensing with the conditions of Section 37 of the NDPS Act. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

13.08.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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