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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39186-2024 (O&M)
Date of decision: 17.12.2024

KULJEET SINGH

...Petitioner(s)

VERSUS

UNION OF INDIA THROUGH NCB CHD.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Tarun Seth, Advocate for the petitioner.

Ms. Anju Bansal, Advocate for
Mr. Sourabh Goel, Advocate for the respondent-NCB.

JASGURPREET SINGH PURI, J. (Oral)

CRM-45148-2024

Prayer in this application is for placing on record the reply filed on
behalf of respondent.

For the reasons mentioned in the application, the same is allowed.
The reply filed on behalf of respondent is taken on record, subject to all just
exceptions.

CRM-M-39186-2024

1. The present is a second petition filed under Section 483 of the
BNSS, 2023 for the grant of regular bail to the petitioner in Crime No.50 dated
10.07.2022, under Sections 8, 15, 18, 21, 25, 27-A, 28, 29 and 60 of the NDPS
Act, registered at Police Station NCB, Chandigarh.

2024.PHHC.169007



2. Learned counsel for the petitioner submitted that the petitioner is in custody from 10.07.2022, which is more than 2 years and 5 months and as per the allegations, the respondent-NCB on receiving a secret information had apprehended one co-accused, namely, Hem Raj who was allegedly driving the truck and the petitioner was also in the aforesaid truck and as per the allegations, the petitioner is also the owner of the said truck from where there had been a recovery of 194.200 kgs. of poppy straw, 4.100 kgs. of *opium* and 6000 tablets of *Lomotil* containing salt *Diphenoxylate*. He further submitted that the petitioner has clean antecedents and he is not involved in any other case and therefore, he may be considered for the grant of regular bail on the ground of his long custody as aforesaid.

3. On the other hand, learned counsel appearing on behalf of the respondent-NCB while referring to the reply filed on behalf of the respondent submitted that it is a case where the petitioner along with the aforesaid co-accused, namely, Hem Raj were found in conscious possession of the aforesaid huge quantity of contraband, which was allegedly purchased by them and thereafter, transported in a truck after hiding the same. She further submitted that the aforesaid truck having registration No.PB-10FV-5855 is also owned by the petitioner and the aforesaid poppy straw, opium and intoxicant tablets were to be sold to other co-accused, namely, Inderjit Singh and Jaspreet Singh @ Jassu. She further submitted that considering the aforesaid huge recovery, the prayer of the petitioner is hit by the bar contained under Section 37 of the NDPS Act and there is no ground available with the petitioner for making a departure from the aforesaid bar. She also submitted that although as

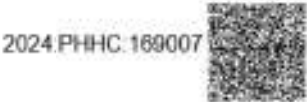


per her instructions the petitioner is not involved in any other case but it is a case where the recovery has been effected from the truck of which the petitioner is the owner and he was also sitting in the said truck.

4. While referring to para No.8 of the reply she submitted that the charges in the present case were framed by the learned trial Court on 20.01.2023 and out of total 18 cited prosecution witnesses 8 prosecution witnesses have already been examined and therefore, the trial of the case is going at a good pace and it cannot be said that the trial is not going at a speedy pace and therefore, considering the aforesaid facts and circumstances, the present petition may be dismissed.

5. I have heard the learned counsels for the parties.

6. It is a case where as per the learned counsels for the parties, the petitioner is in custody for more than 2 years and 5 months. As per the reply filed on behalf of the respondent, out of total 18 cited prosecution witnesses 8 prosecution witnesses have already been examined. The petitioner was stated to be sitting in the aforesaid truck along with the other co-accused, namely, Hem Raj, who was driving the said truck and the petitioner is also stated to be the owner of the truck. The recovery of aforesaid huge contraband from the truck i.e. 194.200 kgs. of poppy straw, 4.100 kgs. of *opium* and 6000 tablets of *Lomotil* containing salt *Diphenoxylate* fall in the category of commercial quantity under the NDPS Act. The petitioner has not been able to make out any case for making a departure from the bar contained under Section 37 of the NDPS Act. So far as the custody of the petitioner and the pace of the trial are concerned, as per the reply filed on behalf of the respondent, out of total 18



cited prosecution witnesses 8 prosecution witnesses have already been examined and therefore, it cannot be said that the trial of the case is going at a slow pace. In the absence of any ground being made out by the petitioner for making a departure from the bar contained under Section 37 of the NDPS Act, the concession of regular bail cannot be granted to him.

7. Consequently, the present petition being devoid of any merit is hereby dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

17.12.2024
Rakesh

(JASGURPREET SINGH PURI)
JUDGE

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