



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

235

CRM-M-42619-2024

Date of decision: 05.09.2024

RAKESH KUMAR ALIAS MEHANDI

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gauravjit Singh Jagpal, Advocate, for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.145 dated 28.08.2022 under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Division No.2, District Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 22.08.2022 in a case of false implication; recovery of 2000 tablets (1000 tablets of Tramadol and 1000 tablets of Alprazolam) have been planted upon the petitioner. It has been further argued that even though challan was presented on 04.01.2023, however, till date only 02 prosecution witnesses out of the 10 cited had been examined and hence, there is no likelihood of the trial concluding in the near future. A prayer has therefore been made in the aforementioned facts and circumstances to extend the concession of bail to the petitioner.



3. *Per contra*, learned State counsel while vehemently opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that the petitioner was nabbed on suspicion and after due compliance of all the mandatory provisions of the Act, a huge recovery of 2000 tablets, 1000 each of Tramadol and Alprazolam, were affected from his conscious possession, which is much higher than the minimum classified as commercial under the Act. Learned State counsel has further submitted that the petitioner is a habitual offender as it is a matter of record that previously also he has been involved in a number of NDPS cases although in some of those cases, he now stands acquitted. Learned State counsel has still further argued that the trial has been delayed a little on account of the petitioner's involvement in other criminal cases which also include cases under the Arms Act and the Indian Penal Code, for which the petitioner has to be taken to different Courts on production warrants. Learned State counsel has still further submitted that the next date fixed before the trial Court is 06.09.2024 when some more witnesses are likely to be examined and hence there is every likelihood that the trial would not take much time to conclude.

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

5. The recovery allegedly affected from the petitioner without doubt is huge and falls within the commercial quantity under the NDPS Act. Furthermore, the petitioner *prima facie*, comes across as a habitual



CRM-M-42619-2024

-3-

offender as it is a matter of record that he is involved in multiple criminal cases which include cases under the NDPS Act, Arms Act and IPC.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

7. At this stage, a prayer has been made by the learned counsel for issuing directions to the trial Court concerned to expedite the trial in view of the petitioner's long incarceration.

8. Accordingly, the instant petition is dismissed. The learned trial Court shall make an endeavour to conclude the trial expeditiously. 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.

(MANJARI NEHRU KAUL)
JUDGE

September 05, 2024

poonam

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