



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

CRM-M-43263-2024

Date of Decision: 09.09.2024

Leela Ram alias Coach

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Imaan Singh Khara, Advocate
for the petitioner.

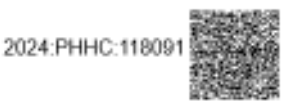
Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the second petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.25 dated 20.02.2023 registered under Sections 15 C and 25 of NDPS Act, 1985 and later on added Section 29 of NDPS Act, 1985 vide DDR No.67 dated 23.02.2023, at Police Station Sardulgarh, District Mansa, Punjab.

2. As per case of the prosecution, the alleged recovery of 54 kgs of Poppy Husk, which is marginally above commercial quantity, has been recovered from the petitioner, on the basis of the secret information.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further submits that the alleged recovery has been planted upon the petitioner just to ruin his name and life for some extraneous reasons. He further submits that no incriminating evidence has been recovered from the conscious possession of the petitioner. He further



contends that the petitioner is not involved in any other criminal activity. The petitioner is in custody since 20.02.2023. Trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments in (i) **CRM-M-37684-2021, Balwinder Singh vs. State of Punjab**, decided on 14.02.2022; (ii) **CRM-M-8212-2022, Tajinder Singh vs. State of Punjab**, decided on 03.03.2022 and (iii) **CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab**, decided on 01.12.2016.

4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other criminal activity.

5. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the ‘commercial quantity’, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

6. Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

09.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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