



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-44489-2024

Date of Decision:-13.09.2024

Mani Kumar.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Menka Gupta, Advocate for the Petitioner.

Mr. Rohit Bansal, Senior DAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this third petition under Section 483 of BNSS, 2023) is for the grant of regular bail in case FIR No.22 dated 02.03.2024 under Sections 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added later on) registered at Police Station Division No.3, District Jalandhar, Punjab.

2. The brief facts of the case are that Sunny Jagga was apprehended with 2 Kgs of opium. He disclosed the names of Mani Kumar (petitioner) (arrested and 2 Kgs of opium recovered), Pawan Kumar (arrested and 3 Kgs of opium recovered) (since granted regular bail vide order dated 30.08.2024 in CRM-M-26654-2024), Nishant Bhagat, Parmod Kumar (since granted regular bail vide order dated 30.07.2024 Annexure P-8), Amandeep (since granted bail vide order dated 30.08.2024 in CRM-M-

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26445-2024), Sunil @ Suraj @ Sushil Kumar (arrested and 2 Kgs of opium recovered) (since granted regular bail vide order dated 30.07.2024 Annexure P-9), Harmanpreet and Bhupinder (since granted anticipatory bail vide orders dated 22.07.2024 & 10.04.2024 Annexure P-10 & P-11).

Amandeep was arrested and disclosed the name of Munish Kumar @ Manni Thakur, Amarjeet Kaur (since granted regular bail vide order dated 29.05.2024 Annexure P-6), Sunny Sohal (since granted regular bail vide order dated 29.05.2024 Annexure P-5), Amit Kumar Shukla (since granted regular bail vide order dated 28.05.2024 Annexure P-4) and Abhiram Tutti (arrested and 12 Kgs of opium recovered).

Sunil @ Suraj @ Sushil Kumar was arrested with 02 Kgs of opium. He disclosed the names of Balihar Singh @ Suri (since granted regular bail vide order dated 23.04.2024 Annexure P-2) Sikander @ Sikander Kumar (since granted regular bail vide order dated 21.05.2024 Annexure P-3), Jaspal, Manjot Dosanjh and Kanwarbir.

Parmod Kumar was arrested and disclosed the names of Rupesh Kumar, Amit Kumar Shukla, Rahul Jain and Pushpinder Jain.

Rupesh Kumar was apprehended and disclosed the names of Rakesh Sharma, Vishal, Sagar and Rinki.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The recovery of 2 Kgs of contraband has been foisted upon him. The mandatory requirement of Sections 42, 50, 52 and 57 of the NDPS Act have not been complied with by the police officials. No independent witness was joined during the process of search and seizure. Some of the co-accused had been granted the concession of either anticipatory bail or regular bail. As the petitioner was in custody since 09.03.2024, none of the prosecution witnesses have been



examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner was found in possession of 2Kgs of Opium. He was involved in two other cases under the NDPS Act arising out of the FIR No.43 dated 26.08.2020 under Section 8/18/25/61 of NDPS Act P.S. NCB Amritsar and the other one bearing Complaint Case No.NDPS/174/2024 under Section 18/25/61/8 pending before the Court at Jalandhar. In this situation, the satisfaction under Section 37 of the NDPS Act that the petitioner had not committed the offence in question and shall not likely to commit one in future could not be recorded. Even otherwise, the instant petition was the third one seeking the concession of regular bail and the last one came to be argued and withdrawn as recently as on 15.07.2024. Therefore, there was no significant change of circumstances entitling the petitioner to the grant of bail.

5. I have heard counsel for the parties.

6. As per the case of the prosecution the petitioner was found in possession of 2Kgs of Opium. He is involved in 02 other cases under the NDPS Act. Therefore, the requirement of Section 37 that the petitioner has not committed the offence and is not likely to commit the one in future cannot be recorded. Further the instant is the third bail application of the petitioner. No change in circumstances have been pointed out entitling him to the concession of bail.

7. In view of the above, I find no merit in the present petition and the same stands dismissed.

8. However, keeping in view the facts and circumstances of the case, the Trial Court is directed to conclude the Trial as expeditiously as

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possible but in any case not later than one year from the next date of haring
fixed before it.

(JASJIT SINGH BEDI)
JUDGE

September 13, 2024
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>