

[239] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47635-2023
Date of Decision : 09.01.2024

Satpal Singh ...Petitioner
versus
State of PunjabRespondent

Coram : HON’BLE MR. JUSTICE DEEPAK GUPTA
Present : Mr. P.S. Dhaliwal, Advocate for the petitioner.
Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

[1] Status report by way of affidavit dated 09.01.2024 of Shri Manavjit Singh Sidhu, PPS, Deputy Superintendent of Police, Tapa, District Barnala, on behalf of the respondent-State as well as Custody Certificate dated 08.01.2024 have been filed in Court today. The same are taken on record. Copies thereof supplied to learned counsel opposite.

[2] The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.31 dated 20.05.2022 under Section 22 (Act No.61 of 1985) of the NDPS Act, 1985 registered at Police Station Bhadaur, District Barnala.

[3] As per the prosecution allegations, 1200 loose intoxicating tablets containing the salt of *Tramadol Hydrochloride* were recovered from the *dicky* of a scooter which was being driven by the petitioner-Satpal Singh and on which Bhola Singh was the pillion rider. The total weight of the contraband is stated to be 487.08 grams which falls in the commercial category.

implicated in the case and he is in custody for the last more than 1 year and 07 months and the trial may take time to conclude and so he be allowed on bail.

[5] Learned State counsel opposing the bail petition submits that recovered quantity falls in the commercial category and so Section 37 of the NDPS Act bars grant of bail in such like cases. However, it is conceded by the learned State Counsel that the petitioner is not involved in any other case.

[6] As per the custody certificate placed on record, the petitioner is in custody for the last 01 year, 07 months and 20 days. He has no criminal antecedents. Learned State Counsel also informs that out of 13 witnesses cited by the prosecution, only 05 have been examined so far. Thus trial may take time to conclude.

[7] Having regard to the above facts and circumstances particularly custody period of the petitioner, the rigors of Section 37 of the NDPS Act are required to be balanced with Article 21 of the Constitution of India providing for fundamental right of life and liberty, of which, speedy trial is one of the facet.

[8] Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

09.01.2024