



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-47108-2023

Date of decision: 08.08.2024

Bakshish Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raj Kumar Chandana, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.31 dated 13.04.2022 under Sections 22(c), 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadiq, District Faridkot.

2. Learned counsel for the petitioner submits that a false case has been planted upon the petitioner; he was allegedly intercepted on suspicion and thereafter a recovery of 1920 tablets of Tramadol Hydrochloride 100 SR Radols were recovered from a bag which was hanging on the motorcycle. Learned counsel has submitted that the petitioner has been in custody since 05.05.2022 and the trial has still not concluded, hence, in the aforementioned facts and circumstances, the petitioner deserves to be extended the concession of bail as 14 prosecution witnesses still remain to be examined.



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3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from Inspector Harjeet Kaur, at the outset has submitted that the petitioner is a man of criminal antecedents; when he was apprehended by the police on suspicion, he was on bail in two other cases registered against him under the NDPS Act and has since been convicted in one of those two cases; it has also been submitted that the recovery effected from the petitioner was after due compliance of all the mandatory provisions, and has been classified as commercial under the NDPS Act. Hence, keeping in view the huge recovery and the involvement of the petitioner in other NDPS cases, there is no question of his false implication in the present case. Learned State counsel has further submitted that the trial would not take much time to conclude as almost all the material witnesses stand examined and now only formal witnesses remain to be examined.

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

5. The petitioner prima facie comes across as a habitual offender which is evident from his involvement in three cases under the NDPS Act, including the present one. The recovery allegedly effected from him in the present case is huge. This Court in the aforementioned facts and circumstances, thus, does not deem it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is hereby dismissed.

7. However, it is made clear that anything observed

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hereinabove shall not be construed to be an expression of opinion on the merits of the case.

08.08.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No