



CRM-M-44921-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(230)

CRM-M-44921-2024
Date of Decision : 16.09.2024

Neeraj Chahal ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Kapil Sharma, Advocate and
Mr. Lakshay Garg, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition filed under Section 483 of BNSS, 2023, the petitioner prays for grant of regular bail in case FIR No.0009 dated 20.01.2024 (Annexure P-1), under Sections 15, 18 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (later on added offences under Sections 29 of the NDPS Act, and Sections 420, 465, 467, 468, 471 and 120-B of the IPC, 1860) registered at Police Station Division No. 03, Ludhiana (District Police Commissionerate, Ludhiana).
2. The instant FIR has been registered on the basis of an application given by one Jatinderjit Singh c/o Bay Area Imex, Ground Floor, B-23/4498, Shingar Road, Ludhiana to the effect that his company has found two parcels with Shipper address as Neeraj Chahal c/o Mohna Lal Chahal, near Sub Tehsil Colony, Noormehal, Jalandhar, and Mani Kumar son of Pal Ram, resident of village Upal Khalsa, Tehsil Phillaur, District Jalandhar shipped to Canada with suspicion to be some narcotics substance, intercepted



3. On the basis of the application (supra), the police reached the spot and opened the parcels and the following recovery was effected:-

“eatables, 30 packets containing poppy husk were recovered, 4 paper rolls containing opium were recovered. On weighment it comes to 9 kg 950 gms poppy husk and 750 gms opium. Other parcel was opened and from it clothes, eatables and 12 packets were recovered, from which 1850 white intoxicant tablets and 2750 yellow intoxicant tablets were recovered. In investigation it has come on record that Dimpal Kumar @ Dimpal impersonated himself as Mani Kumar. Accused/petitioner is in custody since 20.01.2024, which necessitated the filing of present bail application.”

4. During investigation, it has come on record that the petitioner is one of the main accused, who gave two courier parcels to the complainant courier agency, for the purpose of transportation of the same to Canada.

5. Learned counsel for the petitioner on asking for the relief (supra), submits that in fact, the total recovery effected from the parcels was of non-commercial quantity as 30 packets containing poppy husk, 4 paper rolls, containing opium, were recovered and on weighment, it comes to 9 kg 950 gms poppy husk and 750 gms opium, and further, 1850 loose white intoxicant tablets, and 2750 yellow loose intoxicant tablets, were also recovered, and were further, sent for chemical examination, and as per the FSL report, the said recovered tablets does not fall within the ambit of NDPS Act.

6. Learned counsel for the petitioner has also placed reliance on order passed by this Court, on dated 27.08.2024, whereby, co-accused Dimpal Thapar @ Dimple, has already been granted the relief of regular bail,

7. The learned State counsel, on the other hand, on instructions imparted to him from the Investigating Officer concerned, has admitted the fact that the alleged recovery effected in the instant FIR (supra), falls within the ambit of non-commercial quantity. He also placed on record the custody certificate dated 15.09.2024, qua the petitioner, which reflects that the petitioner has undergone actual sentence of 07 months and 22 days, as on today. He further submits that charges were framed on dated 03.08.2024 and out of total 19 prosecution witnesses, none has been examined, as on date.
8. In view of the fact that the recovery effected in the instant FIR (supra), falls within the ambit of non-commercial quantity and the petitioner has suffered incarceration of more than 7 months and 22 days, as on today, and is not involved in any other case, the conclusion of the trial would take long time since none has been examined, as on date, out of total 19 prosecution witnesses, as cited by the prosecution. Therefore, this Court deems it fit and appropriate to extend the relief of regular bail to the petitioner. Accordingly, the present petition is **allowed**.
9. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.
10. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)

JUDGE

September 16, 2024

Manpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No