

S. No.227

2024:PHHC:011966

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49508 of 2023

Date of Decision:30.01.2024

Balveer Singh @ Neetu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.S. Maini, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Learned counsel for the petitioner orally requests to amend the head note and prayer clause of the petition so as to insert clause (c) to Section 22 of the NDPS Act for seeking bail, under which the petitioner has been charge-sheeted.

Request is allowed.

Registry to carry out necessary correction in the headnote as well as prayer clause of the petition.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.153 dated 16.09.2022 registered under Section 22(c) of Narcotic Drugs and Psychotropic Substances Act (for short, 'the NDPS Act') at Police Station Nihal Singh Wala, District Moga.

As per allegations, petitioner was apprehended on 16.09.2022 and from his possession, 760 loose intoxicant tablets containing the salt of "Dicylamine Hydrochloride" and 30 loose tablets containing the salt of "Etizolam" were recovered.

Learned counsel for the petitioner contends that "Dicylamine Hydrochloride" does not fall within the scope of the NDPS Act whereas the

weight of 30 tablets of Etizolam have been found to be 3.72 grams which is marginally higher than the commercial category. Learned counsel further contends that petitioner is not involved in any other case and that he is presently in custody for the last more than 01 year and 04 months and trial may take long time as not even a single witness has been examined so far.

Although status report has not been filed but learned State Counsel has placed on record the custody certificate revealing that custody period of the petitioner is 01 year 04 months and 14 days. He is not involved in any other case.

Learned State Counsel also informs that out of 10 witnesses cited by the prosecution, not even a single witness has been examined, though the charges were framed on 07.02.2023. It is also conceded that salt of “Dicylomite Hydrochloride” does not fall within the scope of the NDPS Act.

Having regard to the afore-said facts and circumstances, particularly the custody period of the petitioner and that the trial may take long time to conclude, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

January 30, 2024

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(DEEPAK GUPTA)

JUDGE

Whether Speaking/reasoned

Whether Reportable

Yes/No

Yes/No