



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.47017 of 2024
Date of decision: 6th November, 2024

Surjit Singh
... Petitioner
Versus
State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kushagra Mahajan, Advocate for the petitioner.
Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 BNSS in case FIR No.69 dated 13.07.2024 under Sections 22, 25, 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, 'the Act') (Section 29 of the Act added later on) registered at Police Station Maqboolpura, District Amritsar.
2. Learned counsel for the petitioner submits that the petitioner's false implication in the present case is evident from the fact that he has no previous antecedents much less of having been booked in any other case under the NDPS Act. It has been argued that the petitioner was allegedly nabbed on suspicion and thereafter, a recovery of 440 tablets of Tramadol was effected from him; the said recovery is less than the minimum classified as commercial under the Act since the

weight of the recovered contraband was approximately 167 grams. It has been further argued by the learned counsel for the petitioner that after the petitioner was arrested on 13.07.2024, investigation in the case in hand had been completed and even challan presented, however, till date the charges have not yet been framed. It has also been submitted that since 13 witnesses have been cited by the prosecution, possibility of the trial concluding in the near future seems unlikely. A prayer has, therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute the custody period of the petitioner and also the factum of the petitioner not having any previous criminal antecedents. It has also not been disputed by the learned State counsel, on instructions, that the alleged recovery affected from the petitioner has been classified as non-commercial under the NDPS Act, however, it has been submitted that when the petitioner was intercepted on suspicion, the aforementioned recovery was affected from his conscious possession after due compliance of the provisions of the Act.

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

5. The alleged recovery affected from the petitioner has been classified as non-commercial under the NDPS Act. The petitioner is not stated to be involved in any other criminal case much less under the NDPS Act. The trial would take considerable time to conclude as

charges are likely to be framed only on the next date of hearing fixed before the trial Court i.e. 19.11.2024. In the given facts and circumstances, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

November 6, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No