



CRM-M-50532-2024

-1-

**232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-50532-2024
Decided on : 02.12.2024

Ajay Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Harsh Goyal, Advocate
for the petitioner through VC.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.77 dated 28.06.2023 under Sections 15/29 of NDPS Act, 1985 registered at Police Station City Dhuri District Sangrur.

2. Learned counsel for the petitioner contends that the petitioner has been in custody since 28.06.2023 pursuant to a secret information allegedly received by the police regarding his involvement in drug trafficking. It has been asserted by the learned counsel that the alleged recovery of 60 kgs of poppy husk was marginally higher than the minimum classified as commercial under the Act; the petitioner has no previous criminal antecedents, which lends credence to a false and fabricated case having been planted



upon him. A prayer, therefore, has been made in the aforementioned facts and circumstances to enlarge the petitioner on bail as the trial would take considerable time to conclude, more so, when the prosecution evidence is still underway. It has also been submitted that one of the co-accused has since been extended the concession of bail by this Court vide order dated 25.09.2023, hence, the petitioner also deserves the similar relief.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Harish Kumar, has submitted that a specific secret information had been received qua the involvement of the petitioner in drug trafficking; pursuant to the secret information received, after complying with the mandatory provisions of the NDPS Act, the petitioner was then apprehended and the alleged recovery was then made from him. Learned State counsel, on further instructions, has submitted that the trial is nearing conclusion as only five prosecution witnesses remain to be examined and the next date of hearing fixed before the trial Court is 04.12.2024 when in all likelihood the prosecution evidence would stand concluded.

Learned State counsel has still on further instructions submitted that the petitioner cannot claim parity with co-accused Joginder Singh as the said co-accused was neither named in the secret information received by the police nor was he accompanying the petitioner when the alleged recovery was affected. It has been



CRM-M-50532-2024

-3-

asserted by the learned State counsel that the name of the co-accused surfaced during interrogation of the petitioner, who suffered a disclosure statement nominating the co-accused Joginder Singh as being supplier of the recovered contraband. Learned State counsel has also submitted that after said Joginder Singh was arrested, no recovery of any contraband was affected and perusal of order granting the concession of bail reveals that the factum of him not being involved in any other case under the NDPS Act also weighed with this Court while extending the concession of bail to him. Learned State counsel has, therefore, prayed for dismissal of the instant petition.

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

5. The trial is unlikely to take time to conclude and there is every possibility of the trial would be concluding very shortly as only formal witnesses now remain to be examined, as per instructions received by the learned State counsel.

6. In the facts and circumstances as enumerated hereinabove, this Court, therefore, does not deem it fit to extend the concession of regular bail to the petitioner at this stage of the trial. Accordingly, the instant petition stands dismissed.

7. 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.

02.12.2024
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(MANJARI NEHRU KAUL)
JUDGE

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