



CRM-M No.51637-2024 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M No.51637-2024 (O&M)
Date of Decision: 19.12.2024

Mani @ Money

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Krishan Singh Dadwal, Advocate for the petitioner.

Mr. Puru Jarewal, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed, under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for seeking bail pending trial in FIR No. 112 dated 25.04.2023, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act') (offence under Section 29 of NDPS added later on), registered at Police Station Model Town, District Hoshiarpur.

2. Allegations are that 20 injections of Buprenorphine were recovered from the conscious possession of petitioner.

3. Contends that petitioner was arrested in the present case on 25.04.2023 and after remaining in custody for about 01 year and 07 months, was granted interim bail by this Court on 18.11.2024. Further contends that in pursuance of the aforesaid order, he is regularly appearing before learned Special Court and there has been no progress of trial. Also contends that there is no allegation that petitioner is likely to misuse the concession or hamper the proceedings in any manner.



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4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has fairly conceded the above factual position and submits that petitioner is regularly appearing before learned Special Court. Also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 18.11.2024.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court granted interim bail to the petitioner on 18.11.2024 in the following manner:-

“Learned State counsel is not able to dispute that as per FSL report, alleged contraband recovered from the petitioner is non-commercial being less than 10 grams. However, he seeks time to have instructions in the matter.

Posted for 19.12.2024.

In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned Special Court/CJM/Duty Magistrate concerned ”

7. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned Special Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper the proceedings in any manner. There has been no progress of trial after grant of interim bail to petitioner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 18.11.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned Special Court without seeking any unnecessary adjournment(s).



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10. The above observations be not construed as an expression of opinion on the merits of the case.
11. It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- Pending application(s), if any, shall also stand disposed off.

19.12.2024
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

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