

[115+236] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53029-2023 (O&M)
Date of Decision : 29.01.2024

Raj Kumar alias Raj Kumar Goyal @ Raju ...Petitioner

versus

State of Punjab ...Respondent

Coram : **HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present : Mr. B.S. Rana, Senior Advocate with
Mr. Gagandeep Rana, Advocate
for the petitioner(s).

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

CRM-2336-2024

This is an application to place on record the transcript as Annexures P-3 to P-5. However, learned counsel for the petitioner made a statement so as to withdraw this application.

Dismissed as withdrawn.

CRM-M-53029-2023

[1] The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.67, dated 02.03.2022 under Sections 22 and 29 of NDPS Act, 1985, registered at Police Station City-1, Malerkotla, District Malerkotla.

[2] This is the second petition for this purpose. The earlier was dismissed as withdrawn.

[3] Status report by way of affidavit dated 29.01.2024 of Shri

Malerkotla, on behalf of respondent-State along with custody certificate dated 27.01.2024 have been filed in Court today. The same are taken on record.

[4] As per prosecution allegations, while patrolling, a motorcycle was stopped on suspicion. Mohd. Mainsh @ Kaka and Mohd. Rashid @ Aada were apprehended and from their possession, 3000 intoxicating tablets, containing the salt of Alprazolam were recovered. They nominated in their disclosure statement petitioner to be supplier and then after apprehension of the petitioner, 2400 intoxicating tablets of Alprazolam were recovered from him.

[5] Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he is in custody for the last more than 01 year and 10 months; that he has no criminal antecedents and so in these circumstances, he be allowed bail.

[6] The custody certificate reveals that the petitioner is in custody for the last 01 year 10 months and 28 days with no other criminal case pending against him.

[7] Learned State Counsel also informs that out of 23 witnesses cited by the prosecution, not even a single witness has been examined, till date. Thus, trial is likely to take long time to conclude. However, bail petition is opposed by pointing out the commercial category of the recovered contraband.

[8] Having regard to all the facts and circumstances of the case, particularly the custody period of the petitioner, the fact that he has no

other criminal case pending against him and that trial is likely to take long time, but without commenting anything further on the merits of the case, and balancing Section 37 of the NDPS Act with Article 21 of the Constitution of India, the present petition is hereby allowed and petitioner is admitted to bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

29.01.2024
'Rajneesh'

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