



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-50903-2024 (O&M)
Date of decision: 28.10.2024

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Abhimanyu Tewari, Advocate and
Mr. Abhijeet Chaudhary, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

CRM-41349-2024

For the reasons mentioned in the application, the same is
allowed, subject to all just exception.

Document Annexure A-1 is taken on record.

CRM-M-50903-2024

1. The present petition has been filed by the petitioner under
Section 483 of BNSS 2023 for grant of bail in case having FIR No.37 dated
17.11.2023, under Section 21(c), 27, 27-A of NDPS Act, registered at
Police Station SSOC, Fazilka, District Fazilka.

2. The allegations in nutshell are that police received secret
information on 17.11.2023 that the present petitioner is involved in drug
trafficking and on that day, he has received huge quantity of heroin which is
lying in his house. On the basis of said secret information, ruqa was sent to



the police station for registration of the case. Thereafter, the house of the petitioner was raided and petitioner was apprehended at the spot and petitioner got effected recovery of 505 grams of heroin and drug money worth Rs.8,90,000/- from his house.

3. Counsel appearing on behalf of the petitioner submits that petitioner who is falsely implicated in the present case is in custody for the last more than 11 months and on completion of investigation, police presented challan against the petitioner on 30.05.2024 and thereafter, charges were framed. However, till date prosecution has not examined any witness. It will take time for the trial to conclude. That in the given circumstances, no purpose is going to be served by prolonging the judicial custody of the petitioner.

4. The present petition is resisted by the State counsel who submits that the present case is relating to recovery of commercial quantity of heroin and huge quantity of drug money. That the petitioner is also involved in one another case having FIR No.207 dated 19.12.2015, under Section 21 NDPS Act, registered in Police Station City South, Moga. That till date prosecution has not examined any witness but despite this fact, no ground is made out to grant bail to the petitioner at this stage, in the light of the rigors of Section 37 NDPS Act.

5. I have considered the submissions made by counsel for the parties.

6. The present case is relating to recovery of commercial quantity of heroin weighing 505 grams and drug money worth Rs.8,90,000/-.

Admittedly, charges are already framed but prosecution

is unable to examine any witness on its behalf till date. As per the custody certificate furnished by the State counsel, the petitioner is in custody for the last more than 11 months and is also involved in one another criminal case under NDPS Act. The instant case is relating to recovery of commercial quantity of contraband and is covered under stringent provisions of Section 37 NDPS Act. No doubt, the petitioner is having right to expeditious trial. However, in the instant case, the counsel for the petitioner has failed to put forth reasonable grounds for believing that the petitioner is not guilty of the offence regarding which he is facing trial and that the petitioner is not likely to commit any such offence in future in case, he is released on bail.

7. In light of the above, the present petition is hereby dismissed. However, it is made clear that any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

28.10.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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