



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

CRM-M No.54888 of 2024

Date of decision: 11th November, 2024

Manbir Singh @ Sabi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Tarun Jhatta, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. 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.26 dated 22.03.2023 under Sections 21B, 27A, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Tibber, District Gurdaspur.

2. Learned counsel inter alia contends that the petitioner has been in custody since 22.03.2023 for having been found in possession of 6 grams of Heroin along with ₹10,000/- drug money. He submits that the alleged recovery has been planted upon him and is just marginally higher than the minimum classified as 'small quantity' under the NDPS Act. It has been further submitted by the learned counsel that after challan was presented on 29.08.2023, charges were framed on

19.10.2023, however, till date only 1 prosecution witness out of the 12 cited had been examined, hence, possibility of the trial concluding in the near future did not arise. A prayer has therefore been made, in the aforementioned facts and circumstances, for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that the petitioner was nabbed on suspicion by the police party and thereafter a recovery of 6 grams of Heroin along with ₹10,000/- (drug money) was affected from his conscious possession. Learned State counsel has, however, not disputed the custody period of the petitioner and the stage of trial. It has been submitted, on further instructions, that the next date of hearing fixed before the trial Court is 10.01.2025, when some of the other witnesses are likely to be examined.

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

5. The alleged recovery affected from the petitioner is just marginally higher than the 'small quantity' as classified under the Act. The trial would take considerable time to conclude as 11 prosecution witnesses still remain to be examined. In the facts and circumstances, as enumerated hereinabove, 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 11, 2024
rps

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