



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

229

CRM-M-54360-2024
Date of decision: 07.11.2024

RANJIT SINGH ALIAS KUKKU

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kunal Choksi, Advocate, for the petitioner.
Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this second petition filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 is for granting the concession of regular bail to the petitioner in case FIR No.233 dated 05.12.2023 under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Ludhiana, District Ludhiana.
2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, with no contraband material recovered from his conscious possession even as per the version of the prosecution itself. While drawing the attention of this Court to the FIR annexed as Annexure P-1, learned counsel for the petitioner argues that the essential elements required to constitute the alleged offences under the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act) are entirely absent. Nowhere in the FIR, it is



alleged that the petitioner produced, possessed, transported, or engaged in any activity involving narcotic drugs or psychotropic substances.

3. Furthermore, learned counsel contends that the testimony of the complainant during the trial, especially during his cross examination, has significantly undermined the case of the prosecution. The complainant admitted that he was not in possession of any CCTV footage showing the petitioner in possession of any intoxicating substance. Learned counsel has further contended that no certificate under Section 65-B of the Indian Evidence Act has been produced as required. Additionally, it is submitted that the CCTV footage in question was merely recorded by the police from a screen, which raises substantial doubts regarding its authenticity.

4. Learned counsel has also brought to the attention of this Court that the petitioner has been in custody since 05.12.2023. Given that the trial is expected to be prolonged, with 11 out of 16 prosecution witnesses yet to be examined, the learned counsel submits that the petitioner's further incarceration would serve no useful purpose under these circumstances.

5. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the learned counsel opposite by contending that the petitioner was apprehended following a complaint alleging that the petitioner, along with a co-accused, had placed an envelope containing 600 tablets of Clonazepam (weighing 111 grams), which is higher than the minimum classified as commercial under the Act,



in the shop of the complainant. The State counsel has asserted that there is sufficient documentary evidence, specifically CCTV footage, clearly showing the petitioner clandestinely placing the recovered contraband in the shop of the complainant. Furthermore, the learned State counsel has emphasized that the recovery in the present case is huge, falling within the category of commercial quantity under the Act. Learned State counsel has also, on instructions, submitted that the trial is progressing smoothly, with five out of six prosecution witnesses already examined, hence there is every likelihood that the trial would not take much time to conclude.

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

7. It would be apposite to reproduce the allegations levelled in the FIR, which has been annexed as Annexure P-1, hereinunder:

“Statement of Manmohan Singh son of Bikram Singh, resident of House No. 299, Mohalla Preet Vihar, Manakwal Road, Ludhiana, aged about 46 years, Mobile No. 92177-18256. It is stated that I am resident of above mentioned address and doing the business of property. My office is situated at the Manakwal Road, Ludhiana in the name of Rai Property Dealer. I am also partner in the business of property with Bagh Singh son of Garib Singh, resident of House No. D-129, Street No.1, Mohalla Preet Vihar, Manakwal Road, Ludhiana. The lady who works as a maid in our office to keep the office clean, used to leave it open in the daily routine after doing the work of cleaning. Today I was doing Pooja at office and saw that one polythene bag of black was lying in the bottom draws of table. I checked the said polythene and some medicines were found. We neither demanded these medicines nor we use it. I was shocked after seeing this polythene. I at the spot called up at police Post Basant Avenue and ASI Davinder Singh along with police party came present at our office, to whom, I showed the polythene of medicines and



informed about it. They checked the medicine in front of me and 60 strips of intoxicating tablets Clonazepam Mouth-Dissolving Tablet 0.5 mg Anxipam-MD 0.25 and 10 tablets in each strip which comes to total 600 intoxicating tablets were found. On every strip B. No. 8483002 MFG date 08/2023 Expiry Dated 07/2025 MRP 22.50 per 10 Tabs (Incl. of all Taxes), Mfg. Lic. No. L/17/2023/MNB & L/17/2024/MB, Leeford Healthcare Ltd At. Plot No. 79-A & 79-B, EPIP, Phase-II, Vill Thana Tehsil Baddi District Solan 173205 (H.P) was written and found. After that, Police Party with our help, checked CCTV cameras which are installed near our shop and on dated 04.12.2023 Ranjit Singh @ Kukku son of Nachhatar Singh resident of Back side of Charna Colony, Village Manakwal, District Ludhiana and Hardev Singh son of Lekh Raj resident of House No. 87, Mohalla Uttam Vihar Colony, Village Manakwal, District Ludhiana of our Village, after discussion and collusion with each other, it was found that riding on active colour white bearing No. DL13SL 1666, parked in front of our office and Hardev Singh was standing near Activa and Ranjeet Singh was found keeping polythene bag of intoxicating medicines at bottom box of the table which was revealed from CCTV Camera. On which according to my statement, you wrote and listened to my statement. Strict action should be taken against both of them. Sd/- Manmohan Singh (In English). Sd/ Davinder Singh ASI Chowki Basant Avenue Police Station Sadar Ludhiana Dated 05/12/2023.”

8. *Prima facie*, there are serious allegations against the petitioner concerning conscious possession of commercial quantity of Clonazepam. In addition, as also submitted by the learned State counsel, the trial is proceeding at a steady pace.

Additionally, learned counsel has failed to satisfy this Court qua any material change in circumstances which would warrant acceptance of his prayer after the withdrawal of the previous petition on 06.08.2024 which was withdrawn by the learned counsel after arguing for some time.

In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is hereby dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

November 07, 2024
poonam

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