

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

Neutral Citation No. 2024:PHHC:046409
CRM-M-58472-2023
Date of Decision: April 05, 2024

Manjinder Singh @ Maninder Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kanwaljeet Singh Brar, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.23 dated 21.02.2023, under Section 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station City Kotkapura, District Fridkot.

2. As per prosecution allegations, on 21.02.2023, petitioner alongwith co-accused Gurdeep Singh was intercepted by the police party on account of suspicion while riding on a motorcycle. A transparent polythene envelop was kept between both of them. On search, 150 tablets of carisoprodol; 15 bottles of chlorpheniramine maleate and codeine phosphate of 100 ml. each were found.

3. Status report by way of affidavit of Shri Jatinder Singh, Deputy Superintendent of Police, Sub Division, Kotkapura, District Faridkot, has been filed on behalf of respondent-State, which reveals that on analysis, the bottles were found to contain the chemical codeine, which falls in the scope

of the NDPS and the total weight of the contraband was found to be 1803 grams, which is the commercial category as a threshold providing commercial category for codeine starts from 1000 grams, i.e. 01 Kg.

4. Learned State counsel also informs that as far as tablet of carisoprodol is concerned, it does not fall in the scope of NDPS Act.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated; that alleged recovery of contraband was effected from a transparent polythene envelop; that petitioner is in custody for the last more than 01 year and 01 month and he is not involved in any other case, pertaining to NDPS Act; and that the trial is not proceeding further, as not even a single witness has been examined so far.

6. Learned State counsel has opposed the bail petition by pointing out the commercial category of contraband as recovered from the petitioner and co-accused.

7. However, it is conceded by learned State counsel, on instructions from ASI Gurmail Singh, that out of 18 witnesses cited by the prosecution, not even a single witness has been examined so far.

8. As per the custody certificate, petitioner is in custody for the last 01 year, 01 month and 11 days. Although, he is involved in one more case, but that does not pertain to NDPS Act.

9. In the aforesaid facts and circumstances, when the trial is likely to take long time to conclude, so having regard to the long incarceration of the petitioner, the rigors of Section 37 of the NPDS Act are required to be balanced with Article 21 of the Constitution of the India, of which the speedy trial is a facet.

10. As such, without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

April 05, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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