



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-1888-2024

Date of decision: 08.08.2024

Gurbhej Singh alias Gurphej Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Namiesh Sodhi, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.50 dated 25.03.2021 under Sections 21(C)/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Kathu Nangal, District Amritsar.

2. Learned counsel for the petitioner submits that it was on suspicion that he was allegedly apprehended by the police and thereafter a recovery of 1575 tablets (825 tablets of Alprazolam and 750 tablets of Tramadol) was shown to be effected from him. Learned counsel submits that the petitioner has been facing trial since 25.03.2021 and there is no likelihood of the trial concluding in the near future as only 03 witnesses out of the 11 cited by the prosecution have been examined till date. Learned counsel has submitted that no doubt in the intervening period he was extended the concession of interim bail



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on account of non-filing of the FSL Report, however, thereafter he had surrendered back on receipt of FSL Report on 26.05.2023. It has still further been argued by the learned counsel that the petitioner has no criminal antecedents; while he was on interim bail he had not misused the said concession. A prayer has, therefore, been made for extending the concession of bail to the petitioner in the aforementioned facts and circumstances.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that a huge recovery of 1575 tablets was effected from the petitioner though just marginally higher than the minimum classified as commercial under the NDPS Act. It has not been disputed by the learned State counsel that the petitioner has no criminal antecedents and there is no criminal case pending against him. It has also not been disputed by the learned State counsel that the petitioner had misused the concession of interim bail which was granted to him on 24.05.2021.

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

5. The trial would take considerable time to conclude as 08 prosecution witnesses still remain to be examined. The alleged recovery effected from the petitioner is just marginally higher than the minimum classified as commercial under the NDPS Act. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

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6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

08.08.2024

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**(MANJARI NEHRU KAUL)
JUDGE**

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