



CRM-M-60336-2024

-1-

208

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

CRM-M-60336-2024

Date of Decision: 09.12.2024

Baldev Singh alias Pappu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ramesh Chand Sharma, Advocate
for the petitioner.

Mr. B.S. Bali, Addl. AG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a 6th petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.321, dated 29.10.2020, under Section 22 of the NDPS Act, 1985, registered at Police Station Kapurthala, District Kapurthala.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 2 years 4 months and 6 days and the charges in the present case were framed on 09.02.2022, which is 2 years and 10 months ago and till date only 2 out of 9 prosecution witnesses have been examined. He further submitted that the allegations against the petitioner were that the police had apprehended the petitioner along with 590 loose tablets and as per the Chemical Report, the weight of the tablets is 114.96 grams containing the salt of *Alprazolam* which is slightly higher than the commercial quantity because as per the NDPS Act, the commercial quantity of *Alprazolam* is 100 grams. He also submitted that the petitioner has been falsely implicated in the present case in view of the fact that he was earlier involved in a number of FIRs under the



CRM-M-60336-2024

-2-

Excise Act and because of that reason he has been falsely implicated in the present case. He further submitted that petitioner is an old man of the age of 70 years and he has already faced incarceration for 2 years 4 months and 6 days and till date only 2 witnesses have been examined despite the fact that the charges were framed on 09.02.2022, therefore, considering the aforesaid facts and circumstances, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. B.S. Bali, learned Addl. AG, Punjab submitted that so far as the custody of the petitioner is concerned, it is correct that the petitioner is in custody for 2 years 4 months and 6 days but he is involved in about 15 more cases under the Excise Act. He also submitted that although the aforesaid quantity of 114.96 grams of *Alprazolam* is slightly higher than the commercial quantity but still it falls in the category of commercial quantity under the NDPS Act and therefore, the petitioner is not entitled for grant of regular bail.

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner is in custody for 2 years 4 months 6 days and he is stated to be an old man of the age of 70 years and is involved in about 15 more cases under the Excise Act. As per the learned counsel for the parties, only 2 out of 9 prosecution witnesses have been examined despite the fact that the charges were framed on 09.02.2022 which is 2 years and 10 months ago.

6. After hearing the learned counsels for the parties, this Court is of the considered view that considering the long custody of the petitioner, which is 2 years 4 months and 6 days, age of the petitioner i.e. 70 years and the stage of the trial, the bar contained under Section 37 of the NDPS Act will not apply



CRM-M-60336-2024

-3-

to the petitioner in the light of Article 21 of the Constitution of India. The mere fact that the petitioner is involved in 15 more cases under the Excise Act would also not become a ground for denial of bail considering the aforesaid long custody of the petitioner and the stage of the trial. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

09.12.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned	Yes/No
2. Whether reportable:	Yes/No