



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

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CRM-M-2333-2025 (O&M)

Date of decision: 19.03.2025

Sahib Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Dhawaljeet Dutta, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.16 dated 27.01.2023 under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Mukerian, District Hoshiarpur.

2. Learned counsel for the petitioner contends that the petitioner has never been previously booked in any case under the NDPS Act; he has been in custody since 27.01.2023 after he was nabbed on suspicion and a recovery of 75 tablets of Tramadol (45.6 grams) was effected from a polythene bag. Learned counsel has submitted that even though challan was presented way back on 20.07.2023, none of the nine prosecution witnesses have been examined so far. Learned counsel contends that even otherwise although it is a case of false implication, the alleged recovery of 75



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tablets of Tramadol is less than the minimum classified as 'commercial' under the NDPS Act. Learned counsel has, therefore, prayed for extending the concession of bail to the petitioner as the possibility of the trial concluding in the near future looks unlikely.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Kuldeep Raj, has not disputed the custody period of the petitioner nor has it been disputed that after the challan was presented way back on 20.07.2023, the trial had not made much headway with the charges being framed as recently as on 24.02.2025 coupled with the fact that none of the nine prosecution witnesses have been examined to date.

4. On a pointed query put to the learned State counsel, he, on instructions has also not refuted that this is the first time that the petitioner has been booked in a case under the NDPS Act. However, it has been submitted that the petitioner is facing trial in a couple of other criminal cases although they are for offences under the Indian Penal Code, 1860. On a further query, learned State counsel submits that the next date fixed before the learned Trial Court is 22.04.2025.

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

6. The petitioner was allegedly apprehended on suspicion leading to the recovery of 45.6 grams of Tramadol which stands classified as 'non-commercial' under the NDPS Act. None of the nine prosecution witnesses have been examined till date, hence, likelihood



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of the trial concluding in the near future does not arise. In the facts and circumstances as enumerated hereinabove, particularly long incarceration of the petitioner, this Court deems it fit to extend the concession of bail to the petitioner.

7. 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.

8. 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.

9. Pending applications, if any, stand disposed of.

19.03.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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