



211

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

**CRM-M-982-2025 (O&M)
Date of decision : 17.01.2025**

Rakesh Kumar @ Kaleshi

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Saurabh Kaushik, Advocate for the petitioner.

Mr. Kuljit Singh, Addl.A.G., Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the BNSS'*), for grant of bail pending trial to the petitioner in FIR No.0131 dated 26.09.2023, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short, 'the NDPS Act'*), registered at Police Station Kotwali Nabha, District Patiala, Punjab.

2. Allegations are that 210 loose intoxicating tablets were recovered from the petitioner; whereas, recovery of 220 such tablets was effected from co-accused Vikas @ Vicky.

3. Contends that petitioner is in custody since 26.09.2023; charges were framed on 18.03.2024; and out of total 09 prosecution witnesses, only 01 has been examined so far. Further submits that alleged recovery against the petitioner is non-commercial in nature.

2025.PHHC.006862



4. *Per contra*, learned State counsel while opposing the prayer, on instructions, submits that petitioner is a habitual offender inasmuch as he is involved in 03 more cases under the NDPS Act.

5. Heard both sides and perused the paper-book.

6. Concededly, petitioner is in custody since 26.09.2023; charges were framed on 18.03.2024, but out of total 09 prosecution witnesses, only 01 has been examined so far; therefore, conclusion of trial may take sufficient long time. Also noteworthy that the recovery alleged against petitioner is non-commercial in nature. It is also not the objection of State that in case, petitioner is released on bail, he shall influence the witnesses or hamper the course of trial, in any manner; thus, further incarceration of the petitioner would not serve any purpose.

7. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned Special Court without seeking any unnecessary adjournment(s).

9. The above observations may not be construed as an expression of opinion on the merits of the case.

10. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State of Punjab

2025.PHHC.006862



would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

17.01.2025
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No