

2025:PHHC:055864



240.

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

CRM-M-9764-2025 (O&M)

Date of decision: 29.04.2025

Brijesh Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anmol Puri, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.104, dated 24.07.2023, under Section 22 of NDPS Act and under Section 411 of IPC, registered at Police Station Civil Lines, District Patiala.

2. Learned counsel for the petitioner has asserted that the petitioner has been in custody since 24.07.2023 and that the trial is not likely to conclude in the near future. It has been submitted that despite framing of charges on 13.12.2023, as many as 11 prosecution witnesses are yet to be examined. It has still further been contended by the learned counsel that the delay in trial is infringing upon the right of the petitioner to a speedy trial guaranteed under Article 21 of the Constitution of India. Learned counsel has lastly submitted that the petitioner has no previous involvement in any case under the NDPS Act and, therefore, it is evident that he is innocent.

3. *Per contra*, learned State counsel has opposed the prayer and submissions made by the counsel opposite by submitting that the petitioner, along with co-accused, Rahul Pandey, was apprehended on suspicion while travelling on a motorcycle. Upon interception and after due compliance with the mandatory provisions of the NDPS Act, a huge recovery of 1460 tablets of tramadol, was effected from a bag placed between the driver and the pillion rider. It is further submitted that upon spotting the police, both the accused persons attempted to flee but were then apprehended at the spot.

4. Learned State counsel, on further instructions, has asserted that the petitioner is a man of criminal antecedents; he was on bail when he was apprehended in the present case. It has also been submitted that the quantity of contraband recovered from the petitioner and the co-accused in the present case weighs 775.2 grams, which falls in the category of 'commercial' quantity under the NDPS Act. Learned State counsel has argued that the possibility of the petitioner absconding or committing yet another crime, if released on bail, cannot be ruled out. Additionally, it has been submitted, on instructions, by the learned State counsel that the delay in trial is attributable also in part to the petitioner being produced by way of production warrants in the other criminal cases which are pending against him. It has still further been apprised by the learned State counsel that the trial is progressing reasonably, with the next date of hearing fixed as 09.05.2025 when examination of some of the remaining witnesses is scheduled.

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

6. As per the case of the prosecution, the petitioner was riding the motorcycle at the time of apprehension, and the recovery of a large quantity of intoxicant tablets was made after compliance with statutory provisions of the NDPS Act. Though the petitioner has been in custody since 24.07.2023, this Court cannot ignore the fact that he is already facing trial in multiple other criminal cases and was on bail when arrested in the present case. The recovery in question pertains to a 'commercial' quantity under the NDPS Act, attracting the rigours of Section 37 of the NDPS Act.

7. Given the nature of the offence, the quantity of contraband recovered, the criminal antecedents of the petitioner, and the statutory embargo under Section 37 of the NDPS Act, this Court finds no reasonable ground to enlarge the petitioner on bail at this stage.

8. Present petition stands dismissed accordingly.

9. 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.

10. Pending application, if any, shall also stand disposed of.

**(MANJARI NEHRU KAUL)
JUDGE**

April 29, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No