



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

CRM-M-9043-2025 (O&M)

Date of decision: 07.04.2025

Tarsem Singh @ Sema

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. K. S. Sidhu, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)**CRM-14137-2025**

For the reasons given in the application, the same is allowed and the copies of the concerned zimni orders Annexure P-6 (collectively) are taken on record.

CRM-M-9043-2025

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail to the petitioner in case having FIR No.168 dated 23.10.2022, under Sections 22 of NDPS Act, at Police Station Sadar Zira, Ferozepur Punjab, (Annexure P-1).

2. The allegations in brief are that on 23.10.2022, police apprehended the petitioner and recovered 970 intoxicants tablets make Buset-Plus. As per report of chemical examiner, the said tablets were found to be containing Buprenorphine Hydrochloride and the total weight was 120.40 grams.

3. The counsel appearing on behalf of the petitioner inter alia submits that petitioner is falsely named in the present case and is incarcerated for the last more than 2 years and 4 months and is not facing any other case under NDPS Act. It is further submitted that it will take time



for the trial to conclude, as the prosecution is able to examine only 1 witness out of total 10 witnesses, till date. It is further submitted that in the given circumstance, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period. In support of his contentions, counsel for the petitioner has referred to decision of Hon'ble Supreme Court in Special Leave to Appeal (Crl.) Nos.12788/2023 titled ***Nandalal Mondal @ Abhay Mondal Vs. State of West Bengal***, decided on 03.01.2024, wherein the accused who was found in possession of commercial quantity of contraband was granted bail on the ground that the petitioner was in custody for the last more than one and a half years and having no criminal antecedents and the conclusion of trial was to take considerable time.

4. The present petition is contested by the State counsel who submits that the contraband recovered from the petitioner comes under commercial quantity and thus, is covered under the rigors of Section 37 NDPS Act. It is further submitted that trial is going on and till date, 1 witness is examined out of total 10 witnesses on behalf of the prosecution. However, the State counsel has not disputed the fact that petitioner is in custody for the last more than 2 years and 4 months and is not facing any other criminal case under NDPS Act, at present.

5. I have considered the submissions made by counsel for the parties.

6. The instant case is relating to recovery of commercial quantity of contraband which is stated to be effected from the present petitioner. The petitioner is behind bars for the last more than 2 years and 4 months and is not facing any other criminal case under NDPS Act, at present. It is also apparent that it will take time for the trial to terminate, as till date, prosecution has examined only 1 witness out of total 10 witnesses. From the perusal of the zimni orders Annexure P-6 which are produced on behalf of the petitioner, it is apparent that the petitioner is not responsible in any manner for delay in trial. No doubt, the present case is covered under the stringent provision of Section 37 NDPS Act but the same stands diluted in the given facts and circumstances of the case, mainly on account of the long incarceration coupled with the fact that it will take considerable time for the



trial to conclude and further keeping in mind the right to a speedy trial, as envisaged under Article 21 of the Constitution of India.

7. In the light of the above discussion coupled with the decision given by the Hon'ble Supreme Court in *Nandalal Mondal @ Abhay Mondal's case (supra)*, further detention of the petitioner in judicial custody would not serve the cause of substantial justice.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

07.04.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No