

2025:PHHC:028959



219.

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

**CRM-M-10261-2025**

Date of decision: 28.02.2025

Rakesh Kumar

.... Petitioner

Versus

State of Punjab and another

.... Respondents

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Ravi Gakhar, Advocate, for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

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**MANJARI NEHRU KAUL, J. (ORAL)**

This is second petition that has been filed under Section 439 of Cr.P.C., for grant of regular bail to the petitioner in case FIR No.0083, dated 05.11.2023, under Section 22, 61, 85 of NDPS Act, registered at Police Station Mehna, District Moga.

Learned counsel for the petitioner contends that the petitioner, a first time offender, was allegedly apprehended with a total of 5200 and 14800 tablets of Alprade-0.5 and Elprasafe-0.5, following a secret information allegedly received by the police. Learned counsel has submitted that the aforementioned recovery has in fact been planted upon the petitioner and even otherwise, the alleged recovery is just marginally higher than small quantity, as each of the tablets contains only 0.5 mgs of

the salt of alprazolam. It has been submitted that since the investigation in the present case is complete, with challan having been presented and charges framed, further incarceration of the petitioner would serve no useful purpose, as 11 prosecution witnesses still remain to be examined out of the 16 cited.

*Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. Learned State counsel has submitted that a specific secret information had been received qua the involvement of the petitioner in drug trafficking and thereafter, when the petitioner was intercepted, after due compliance of all the mandatory provisions of the NDPS Act, a huge recovery of almost 3 ½ kgs of alprazolam was effected from the petitioner, which is much beyond the minimum classified as 'commercial' under the NDPS Act. It has been submitted by the learned State counsel, on instructions from ASI Sukhpal Singh, that there is no question of the police planting such a huge recovery upon the petitioner, more so when it is not the case of the petitioner that there was any previous history of strained relations between him and the police. Learned State counsel has submitted that although the petitioner does not have any previous criminal antecedents, however, the trial has been progressing at a reasonably good pace and there is every likelihood that the trial would not take much time to conclude.

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

Prima facie, there are serious allegations against the petitioner, who was allegedly apprehended following a tip-off leading to a huge recovery of contraband, way beyond than the minimum classified as ‘commercial’ under the NDPS Act. In addition, the trial will not take much time to conclude. Hence, in the given facts and circumstances, no ground is made out to accept the prayer of the petitioner.

Present petition stands dismissed accordingly.

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.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**February 28, 2025**  
sanjeev

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