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

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CRM-M-12145-2025 (O&M)
Date of decision: 13.05.2025

Bhagwant Singh @ Bhanta**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Dr. Sandeep Kumar Passi, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the third petition that has been filed by the petitioner for grant of regular bail in case arising out of FIR No. 46 dated 27.07.2023, registered under Sections 22(b), 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Budhlada, District Mansa. The previous petitions were dismissed as withdrawn.

2. Brief facts of the case relevant for the disposal of the present petition are that on 27.07.2023, co-accused Bittu Singh was apprehended by the police party and recovery of 90 tablets of Carisoma (Carisoprodol Tablets) and 09 vials of Wincerex cough syrup containing 100 ml each was effected from him. Since he could not produce any license or permit to keep in his possession the recovered drugs, he was formally arrested at the spot. Upon interrogation, he disclosed that the recovered contraband was to be supplied to the present petitioner. On the basis of the same, the petitioner

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was nominated in this case. He was arrested on 29.07.2023. On his demarcation, 70 tablets of Carisoma and 04 vials of Wincerex cough syrup were recovered. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the aforesaid co-accused, which is not admissible in evidence. The recovery shown to have been effected from the petitioner was in fact planted upon him. Even otherwise, admittedly the quantity of the contraband recovered in the first instance as well as in second instance does not fall under commercial quantity. Main accused Bittu Singh has already been granted concession of regular bail by this Court noticing the fact the trial was delayed, vide order dated 30.01.2025 passed in **CRM-M-46716-2024**. On the grounds of parity, the petitioner too deserves to be granted the same benefit. Although the petitioner was falsely implicated in two more cases of similar nature but he has been acquitted in one case. The petitioner is in custody since 29.07.2023. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as he was

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actively involved in commission of the subject crime. The recovered contraband was to be supplied to him. After his arrest, he had got recovered 70 tablets of Carisoma and 04 vials of Wincerex cough syrup. The allegations against him are quite serious. He has been convicted in a similar case. The trial is going on at a proper pace. Hence, it is urged that the petition is liable to be dismissed.

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

6. The petitioner was nominated in this case on the basis of the disclosure statement suffered by co-accused Bittu Singh, who was arrested on 27.07.2023 and from whom, recovery of 90 tablets of Carisoma (Carisoprodol Tablets) and 09 vials of Wincerex cough syrup containing 100 ml each was effected. The allegations against the petitioner are that the contraband recovered from the co-accused was to be supplied to him and that after his arrest, he had got recovered 70 tablets of Carisoma and 04 vials of Wincerex cough syrup. A perusal of the status report reveals that it is an admitted position that the quantity of the aforesaid contraband does not fall within the ambit of the commercial quantity. Main accused Bittu Singh has already been granted concessions of regular bail by this Court, as mentioned above. A perusal of the status report would further show that out of 10 prosecution witnesses, 02 witnesses have given up, 02 witnesses have been examined in chief and only 01 witness has been completely examined, which means that the trial is still delaying and there is no change in its status from January, 2025. Although the petitioner has been convicted in one similar case but that alone cannot be a ground to deny him the benefit of bail

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in this case. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

13.05.2025
Wasim Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No