



CRM-M-17316 of 2025 **1**

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

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DATE OF DECISION :- 26.05.2025

Deepak Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Siddharth Gupta, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 BNSS in case FIR No. 0233 dated 24.12.2023 under Sections 22(c), 29 of NDPS Act (charges framed under Section 22(c) and 27 of NDPS Act), registered at Police Station City Rampura, District Bathinda.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; he was not travelling with the co-accused Satnam Singh and Gurpreet Singh from whom the alleged recovery of 7600 tablets of Tramadol and 3600 tablets of Alprazolam were allegedly made. It has been submitted that it is not even case of the prosecution that the petitioner was anywhere in the vicinity when the co-accused were intercepted by the police on suspicion. Learned counsel submits that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by the co-accused from whom the alleged recovery was made, wherein it was claimed that the recovered contraband



had been procured through the petitioner. Learned counsel submits that the disclosure statement on the basis of which the petitioner has been arraigned as an accused pours little evidentiary value and, therefore, the petitioner deserves to be extended the concession of bail as the possibility of the trial concluding in the near future does not arise. In addition it has also been submitted that the petitioner, therefore, be extended the concession of bail in view of his long incarceration.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the oppose. It is submitted that no doubt the petitioner was not apprehended along with the co-accused from whom the contraband was allegedly recovered, however, it surfaced during the interrogation of both the accused that the recovered contraband had been supplied by none other than the petitioner. It is also been submitted by learned counsel that the recovery effected from the petitioner is huge and multiple times more than the minimum classified as a commercial under the NDPS Act. In addition learned State counsel has submitted on instructions that the petitioner was already on bail in one other case pending against him under the NDPS Act which leaves no manner of doubt that the petitioner has misused the liberty which had been granted to him and, therefore, there is every likelihood that the petitioner could yet again misuse the liberty in case he is enlarged on bail in the present case. In addition, learned State counsel has submitted that trial has been proceedings at a considerably good pace with as many as 10 prosecution witnesses having already been examined while one having been partly examined out of 25 cited. Learned counsel submits that under the circumstances there is every likelihood that the trial would not take much time to conclude since

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the next scheduled date before the trial Court is 30.06.2025. It has also been submitted by the learned State counsel that the prosecution shall ensure that no unnecessary adjournments are sought and the witnesses appear to testify before the trial Court.

4. I have heard learned counsel for the parties and perused the material placed on record.
5. No doubt, the petitioner was not apprehended along with co-accused from whom a huge recovery i.e. 1565.6 grams of Tramadol along with 370.8 grams of Alprazolem was allegedly effected. However, this Court cannot turn a blind eye to not only the criminal antecedents of the petitioner but also the effect that as per the disclosure statement suffered by co-accused the recovered contraband had been procured through none other than the petitioner. The trial is proceeding at a considerably good pace and hence the arguments advanced by the learned counsel qua his long incarceration deserves to be brushed aside since he has been in custody only for the last about 14 months.
6. In the facts and circumstances, no justifiable ground is made out to extend the concession of bail to the petitioner.
7. Present petition stands dismissed accordingly.
8. 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

26.05.2025

P.Singh

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