

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

2025:PHHC:068052



(250)

CRM-M-26249-2025

Date of Decision: 20.05.2025

Pappu Ram @ Papu Ram

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. P.S. Sekhon, Advocate for petitioner.

Mr. Shiva Khurmi, AAG, Punjab assisted by
ASI Balkar Singh.

MANJARI NEHRU KAUL.J (Oral)

1. The petitioner is seeking the concession of regular bail, filed under Section 439 Cr.P.C (Section 483 BNSS, 2023), in case FIR No.17, dated 28.01.2023, under Sections 22 and 29 of NDPS Act, registered at Police Station, Samana (Sadar Samana) District Patiala.

2. Learned counsel for the petitioner submits that petitioner has no criminal antecedents and he has been languishing in custody since 28.01.2023. Learned counsel has contended that a false recovery of 2200 tablets of tramadol is shown to have been effected from the petitioner from a transparent ploythene. Counsel submits that it is highly implausible that a person indulging in drug trafficking would dare to move around with such a huge recovery of contraband blatantly and openly in a transparent bag so as to expose himself to any possible apprehension at the hands of police. It has been further submitted that after the petitioner was falsely implicated and arrested in this case, challan was presented way back on 28.07.2023

followed by framing of charges on 18.08.2023, however, till date trial has not concluded as it is a matter of record that only 9 prosecution witnesses out of the 22 cited by the prosecution have been examined. A prayer has, therefore, been made in the aforementioned facts and circumstances to extend the concession of bail to the petitioner as the possibility of the trial concluding in the near future does not arise. It has also been submitted that the delay in conclusion of trial is for the reasons not attributable to the petitioner. In support of his contentions counsel has placed reliance upon ***Dheeraj Kumar Shukla Versus State of Uttar Pradesh (SLP(Crl.) No.6690/2022)***, ***decided on 25.01.2023*** and ***Rabi Prakash Versus The State of Odisha, 2023 Livelaw (SC) 533***, and has submitted that in almost identical circumstances, the Hon'ble Supreme Court had done away with the bar created under Section 37 of the NDPS Act and extended the concession of bail to the accused therein on account of their long incarceration and the trial being delayed for reasons not attributable to the accused.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed the custody period of the petitioner nor has he disputed the stage of trial. It has been, however, submitted that the next date fixed before the Trial Court is 03.07.2025 when some of the remaining 13 prosecution witnesses are likely to be examined. It has also not been disputed that the reasons behind the delay in trial are not attributable to the petitioner.

4. I have heard learned counsel for the parties and examined the material on record.

5. Hon'ble the Supreme Court in *Dheeraj Kumar Shukla's case (supra)* has observed as under:-

“....It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.”

6. In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to grant the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

20.05.2025

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