



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-32655-2023 (O&M)
Date of Decision:- 06.03.2025

SANJEEV KUMAR

....Petitioner(s)

Versus

UNION OF INDIA THROUGH NARCOTICS CONTROL BUREAU

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Lavanya Gupta, Advocate for
Mr. R.K. Gupta, Advocate for the petitioner.

Mr. P.S. Hundal, Advocate for respondent-NCB.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

NCB Crime No.	Dated	Sections	Police Station
55	14.10.2019	8, 20, 25, 27(A), 29 and 60 of the NDPS Act	NCB, Amritsar

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner was neither the driver nor owner of the vehicle from which the alleged contraband had been recovered. He submits that the similarly situated co-accused namely Gupreet Singh and Rajeev Duggal have been granted the concession of bail by this Court vide order dated



19.01.2023 (Annexure P-2). He submits that the trial is progressing at a snail's pace and will take a long time to conclude. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned counsel for respondent-NCB has opposed the petition on the ground that the petitioner along with other co-accused had been apprehended by the officer of NCB and 3.110 kg of charas was recovered from the dickey of the car in which the petitioner was travelling. He submits that the recovery falls within the category of commercial quantity, therefore, the petitioner does not deserve the concession of bail. However, he has not disputed that similarly situated co-accused had been granted the concession of bail by this Court.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution on 14.10.2019, a team of NCB Chandigarh received an information that huge quantity of charas has been transported in a car coming from Pathankot. Accordingly, the said car was intercepted and the petitioner along with other co-accused were apprehended and upon search of the car, 3.110 KG of charas was recovered from the said car. Consequently, the accused were arrested and after the completion of investigation, challan was presented in the Court. Admittedly, the case of the petitioner is at par with that of co-accused Gupreet Singh and Rajeev Duggal, who have already been granted the concession of bail by this Court vide order dated 19.01.2023 (Annexure P-2). Moreover, the petitioner is in custody since 19.10.2019 and after the completion of investigation,



challan has been presented in Court and during the course of trial only 5 out of 12 witnesses cited by the prosecution have yet been examined. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner will take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

06.03.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No