

2025.PHHC.007614



224.

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

CRM-M-38816-2024

Date of decision: 20.01.2025

Rahul Saharan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arshdeep Singh Brar, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. 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.31, dated 17.05.2023, under Section 18/61/85 of NDPS Act, registered at Police Station Mehna, District Moga.

2. Learned counsel for the petitioner contends that the petitioner's false implication in the present case is evident from the fact that he has never been involved in any other case under the NDPS Act and even the alleged recovery effected from the petitioner, even though planted, is just marginally higher than the minimum classified as commercial under the NDPS Act i.e. 3 kgs of opium. Learned counsel has further contended

that the petitioner has been languishing in custody since 17.05.2023 and after the charges were framed on 18.10.2023, only 05 prosecution witnesses out of the 14 cited have been examined so far.

2.1 Learned counsel for the petitioner submits that co-accused of the petitioner, namely, Sachin Bishnoi has already been granted the concession of regular bail by this Court vide order dated 15.01.2025 passed in CRM-M-48421 of 2024 titled as *Sachin Bishnoi Versus State of Punjab*.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, has not disputed the custody period of the petitioner nor has he disputed the stage of trial. It has also not been disputed, on instructions, that the petitioner is not facing trial in any other case under the NDPS Act. However, it has been asserted by the learned State counsel, on instructions, that a specific secret information was received qua the involvement of the petitioner in drug trafficking, following which, the petitioner was intercepted and recovery of 3 kgs of opium (commercial quantity) was effected from him and his co-accused Sachin Bishnoi.

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

5. The petitioner has been in custody since 17.05.2023. The possibility of the trial concluding in the near future seems remote as 09 prosecution witnesses still remain to be examined. The petitioner, as not

disputed by the learned State counsel, is not stated to be involved in any other case under the NDPS Act. Co-accused Sachin Bishnoi has already been granted bail by this Court.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend 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

January 20, 2025
sanjeev

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