



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

349

CRM-M-42702-2024

Date of decision: 23.01.2025

Nirmal Singh @ Nimma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sourabh Kandoi, Advocate for
Mr. Sunil Kumar Rana, Advocate
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.50 dated 18.03.2023 under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Talwandi Sabo, District Bathinda.

2. At the outset, it has been brought to the notice of this Court that in the interim order dated 22.01.2025, date of the order has been inadvertently typed as 20th January, 2025 instead of 22nd January, 2025 due to typographical mistake.

3. Accordingly, in the order dated 22.01.2025, date of the order is ordered to be corrected as '22nd January, 2025' instead of '20th January, 2025'.

4. The Registry is directed to make the necessary correction



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in the said order.

5. Learned counsel for the petitioner submits that the petitioner has no previous criminal antecedents and was falsely implicated in the present case for allegedly transporting 1600 tablets of Alprazolam in a transparent polythene bag. It has been submitted that even as per the case of the prosecution, the petitioner is handicapped and as per version put forth he on seeing the police party got nervous and threw the polythene bag containing the contraband which then spilled over on the road. It has been contended by the learned counsel that the alleged recovery had been made in the absence of any independent witness which raises a big question mark about the prosecution version. Learned counsel has still further asserted that after the petitioner was arrested in the present case on 18.03.2023, the trial had been proceeding at a very slow pace as 06 prosecution witnesses still remain to be examined out of the 11 cited. A prayer has, therefore, been made to enlarge the petitioner on bail.

6. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has it been disputed on instructions that 05 prosecution witnesses out of the 11 have been examined till date. However, learned State counsel has asserted that the petitioner was nabbed on suspicion leading to a huge recovery of Alprazolam tablets from him, weighing approximately 194 grams which is almost double of the minimum classified as 'commercial' under the NDPS Act. It has been further submitted that the next date of



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hearing fixed before the learned Trial Court is 24.01.2025 and there is every likelihood that the trial would not take much time to conclude as most of the witnesses remaining to be examined are formal in nature.

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

8. The petitioner was allegedly apprehended with 1600 tablets of Alprazolam which fall within the 'commercial' quantity under the NDPS Act. In view of the fact that only 06 prosecution witnesses remain to be examined and the next date fixed before the learned Trial Court is 24.01.2025, this Court does not deem it fit to extend the concession of bail to the petitioner. The instant petition stands dismissed accordingly.

9. 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.

10. At this stage, learned counsel for the petitioner prays for issuance of directions to the learned Trial Court for expediting the trial.

11. The learned Trial Court shall make earnest efforts to conclude the trial expeditiously, preferably within a period of next four months.

23.01.2025

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(MANJARI NEHRU KAUL)
JUDGE

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