



210

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

CRM-M-45206-2024 (O&M)

Date of decision : 10.01.2025

Karamjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Dr.Sandeep Kumar Passi, Advocate,
for the petitioner.

Mr. Kuljit Singh, Addl.A.G, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for grant of bail pending trial to the petitioner in FIR No.201 dated 05.12.2023, under Sections 22(c), 15(b), 18(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Jaito, District Faridkot.

2. Reply dated 09.01.2025 by way of affidavit of Mr. Sukhdeep Singh, PPS, Deputy Superintendent of Police, Sub Division, Jaitu, District Faridkot has been filed on behalf of respondent, which is taken on record. Copy supplied to the other side. Registry to tag the same at appropriate place.



3. Allegations are that 17 kg. Poppy Husk was recovered from the conscious possession of the petitioner while travelling in car bearing No. PB-04E-2687.

4. Contends, *inter alia*, that as per allegation of prosecution, 17 kg. Poppy Husk (non-commercial quantity) was recovered from the petitioner. Also contends that co-accused-Arshdeep Singh has been granted concession of default bail on 30.04.2024 (P-5). Further contends that petitioner is in custody since 05.12.2023; final report under Section 173 Cr.P.C. has already been presented and charges have also been framed on 19.07.2024. Lastly contends that out of total 21 PWs, only 01 has been examined till date; therefore, trial is likely to take sufficient long time.

5. Although, learned State counsel is not able to dispute the above factual position, but he submits that allegations against the petitioner are serious in nature.

6. Heard both sides and perused the record.

7. Para No. 3 (c) of the affidavit dated 09.01.2025 (*ibid*), being relevant, is recapitulated as under:-

“3(c) That answering deponent inquired about the circumstances and introduced himself to the suspected. Answering deponent again served the three suspected with notice u/s 50 NDPS Act separately and all the them gave their written consent to take their search. The search of the polythene found in the lap of Samandeep Singh was led to the recovery of 250 strips of Tramadol Hydrochloride Tablets 100 mg bearing B.No. AT-23/578 each strip was containing



10/10 tablets total 2500 tablets. Further the Car bearing No. PB-04E-2687 was searched in the presence of its driver-Karamjeet Singh (present petitioner) and found a bag from its boot which was containing poppy husk weighing 17 kg including bag which were seized along with swift car No.PB-04AE-2687 vide memo.”

8. Bare perusal of the above extract reveals that 2500 tablets of Tramadol Hydrochloride (commercial quantity) were allegedly recovered from co-accused-Samandeep Singh, whereas, poppy husk weighing 17 kg. (non-commercial quantity) was allegedly recovered from the boot of the car in the presence of its driver-present petitioner. Thus, it can be safely observed that recovery of 17 kg. poppy husk allegedly effected from the petitioner, being non-commercial quantity, is not hit by Section 37 of the NDPS Act.

9. It is also not in dispute that petitioner is in custody since 05.12.2023 and only 01 witness has been examined till date, trial is likely to take sufficient long time. Furthermore, except present case, petitioner has clean antecedents as no other case under NDPS Act is pending against him; therefore, no useful purpose would be served by keeping him in custody any further.

10. Consequently, present petition is **allowed**; petitioner shall be admitted to bail forthwith on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.



11. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned Special Court without seeking any unnecessary adjournment(s).
12. The above observations be not construed as an expression of opinion on the merits of the case.
13. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

10.01.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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