



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-56203-2024

Date of decision: 17.03.2025

Kuldeep Singh @ Manak

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.0127 dated 10.07.2022 under Sections 15, 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner contends that petitioner has been in custody since 10.07.2022 after he was allegedly nabbed on suspicion leading to the recovery of 5 kgs of poppy husk and 120 grams of Alprazolam. It has been contended by the learned counsel that the recovered Alprazolam tablets is just marginally higher than the threshold provided for 'commercial' quantity under the NDPS Act. Learned counsel has still further argued that even though the challan was presented against the petitioner way back on 03.01.2023 and



CRM-M-56203-2024

charges were thereafter framed on 13.02.2023, however, till date only 01 out of the 19 had been examined and hence, the possibility of the trial concluding in the near future did not arise. Learned counsel has contended that in the aforementioned facts and circumstances, moreso, when the trial had been delayed for reasons not attributable to the petitioner, he deserved to be enlarged on bail. In support, learned counsel has placed reliance upon ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]*** and ***Rabi Prakash Vs. The State of Odisha : 2023 LiveLaw (SC) 533*** wherein in almost identical circumstances, Hon'ble the Supreme Court had extended the concession of regular bail to the accused therein even though the recovered contraband had been classified as 'commercial' under the NDPS Act.

3. On a pointed query put to the learned counsel for the petitioner as to whether the petitioner is facing trial in any other criminal case, he submits that other than the present case there is no other criminal case pending against the petitioner; although the petitioner was previously convicted in a case under the NDPS act and sentenced to 03 years way back in 2016, however, as on date the petitioner is not involved in any other case under the NDPS Act.

4. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Balwant Singh, has not disputed the custody period of the petitioner nor has the State on further instructions disputed the quantity of the contraband allegedly effected from the petitioner. Learned State counsel on further instructions has also not



CRM-M-56203-2024

disputed the stage of trial and submitted that the next date fixed before the learned Trial Court is 03.04.2025 when some of the remaining 18 witnesses are likely to be examined.

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

6. The petitioner has been in custody since 10.07.2022 and after the charges were framed on 13.02.2023 only 01 prosecution witness has been examined. Furthermore, the alleged recovery from the petitioner is just marginally higher than the minimum classified as 'commercial' under the NDPS Act. The petitioner is not stated to be facing trial in any other criminal case much less under the NDPS Act. In the facts and circumstances as enumerated hereinabove and since the trial is unlikely to conclude in the near future, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. 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.

17.03.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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