



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

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CRM-M-49884-2024

Date of decision: 26.08.2025

Shahid Ali @ Bhatura

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. K.D.S. Hooda, Advocate for
Mr. G.S. Nahel, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab
assisted by Inspector Baljit Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.136 dated 23.09.2023 under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station City-1 Malerkotla, District Malerkotla.

2. Learned counsel for the petitioner submits that the petitioner has clean antecedents and has evidently been falsely implicated in the present case. It has been further argued by the learned counsel that as per the case of the prosecution, a secret information was received qua the petitioner's involvement in drug trafficking leading to the recovery of 70 bottles of Codeine syrup from his rented accommodation. Learned counsel has still further submitted that after the challan was presented on 19.03.2024, the case was being repeatedly adjourned and it was a matter of record that till date charges had not yet been framed. Therefore, the possibility of the trial concluding in the



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near future did not arise moreso when as many as 11 prosecution witnesses had been cited. Learned counsel has placed reliance upon ***Rabi Prakash Vs. The State of Odisha : 2023 LiveLaw (SC) 533*** and ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]*** to assert that almost in identical circumstances wherein also the alleged recovery effected had been classified as 'commercial', Hon'ble the Supreme Court had done away with the bar under Section 37 of the NDPS Act and granted the concession of bail to the accused therein.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has he disputed the stage of trial. However, learned State counsel has asserted that a huge recovery of contraband classified as 'commercial' had been made from the room rented out by the petitioner; the petitioner was found present in the room when the alleged recovery was effected. It has been argued that it is improbable that such a huge recovery could have been planted upon the petitioner.

4. On being pointedly asked, learned State counsel, on instructions, has not disputed that the petitioner has no previous criminal antecedents, much less he being involved in any other case under the NDPS Act.

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

6. The petitioner has been in custody since 23.09.2023. The



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trial has not commenced as charges are yet to be framed and the evidence is also yet to be recorded. The petitioner cannot be made to languish in custody for an indefinite period as it virtually amounts to compromising with his right to a speedy trial. Hon'ble the Supreme Court in ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]***, decided on 25.01.2023 has observed as under:-

“.... It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.”

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. 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.

26.08.2025

(MANJARI NEHRU KAUL)

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JUDGE

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