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

CRM-M-54824-2024
Decided on : 05.02.2025

Joga Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr. Aditya Anand, Advocate
for the petitioner.

Mr. Rajesh Sehgal, Addl. AG, Punjab.

Deepak Gupta, J.(Oral)

1. By way of this petition filed under Section 483 of BNSS, 2023 (old Section 439 Cr.PC), petitioner prays for his release on regular bail in case FIR No.170 dated 12.08.2023 registered under Section 15 (c) of NDPS Act (Act No.618/1985) at Police Station Sultanpur Lodhi District Kapurthala.
2. It is his second petition. The earlier petition bearing CRM-M-60099-2023 was dismissed as withdrawn vide order dated 11.03.2024 (Annexure P-4).
3. As per prosecution's allegations, 100 kgs of poppy husk kept in five bags of 20 kgs each were recovered from the petitioner on the basis of secret information on 12.08.2023.
4. It is contended by the counsel that the petitioner has been falsely implicated; that he is in custody for the last more than 1 year and



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05 months; the trial is not proceeding and as such, the petitioner deserves the concession of regular bail.

5. The respondent has opposed the bail petition by pointing out towards the fact that the recovered quantity of contraband is double the threshold from which the commercial starts. It is also pointed out that earlier bail petition bearing CRM-M-60099-2023 was dismissed as withdrawn vide order dated 11.03.2024 (Annexure P-4).

6. Heard learned counsel for the parties.

7. Status report by way of an affidavit of Gurmeet Singh, Deputy Superintendent of Police, Sub Division Sultanpur Lodhi, District Kapurthala filed on behalf of respondent-State along with custody certificate of the petitioner in Court is taken on record.

8. The custody certificate reveals that the petitioner is already in custody for the last 01 year 05 months and 19 days. The petitioner is involved in one more case but that pertains to Excise Act. It is also informed by the State counsel that out of 10 witnesses cited by the prosecution, only two witnesses have been examined so far and thus, trial would not take much time to conclude.

9. In the aforesaid facts and circumstances, the rigors of Section 37 of NDPS Act, are required to be balanced with Article 21 of the Constitution of India guaranteeing Fundamental Right to life and liberty of which speedy trial is a facet.

10. Having regard to the custody period of the petitioner and the fact that trial is likely to take time to conclude, but without commenting on the merits of the case, the present petition is allowed. The petitioner be



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admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.02.2024
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(DEEPAK GUPTA)
JUDGE

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