

2025.PHHC.011915



221

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

**CRM-M No.57806 of 2024 (O&M)
Date of Decision: 27.01.2025**

Balbir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Inderpreet Singh Cooner, Advocate for the petitioner.

Ms. Avneet, A.A.G., Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of bail pending trial to the petitioner in FIR No.55 dated 28.06.2024, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) [Section 29 of the NDPS Act added later on), registered at Police Station Banur, District SAS Nagar (Mohali).

(2) Above FIR was registered on the basis of secret information with the allegations that two bags, containing 25 Kg. & 27 Kg. (total 52 Kgs.) of *Poppy Husk*, were recovered from a Container bearing registration No.HR-55-AC-9898, which was parked in the premises of Truck Union, Banur.

2025.PHHC.011915



(3) Contends that as per the prosecution case itself, petitioner was not present at the time of alleged recovery; rather it is stated to have been recovered from a Container, which was parked in the premises of Truck Union, Banur; hence, the question of conscious possession of petitioner shall be a debatable issue before learned Special Court during trial. Further contends that petitioner is in custody since 05.07.2024. Also contends that after presentation of report under Section 173 Cr.P.C., charges were framed on 24.12.2024 and out of total 13 prosecution witnesses, none has been examined till date; thus, trial is likely to take sufficient long time. Specifically contends that there is no other criminal case pending against the petitioner and he was apprehended by the police on 05.07.2024.

(4) Learned State Counsel after obtaining instructions is not able to dispute that alleged contraband i.e. 52 Kgs. of *Poppy Husk* (commercial quantity) was recovered from a Container, parked in Truck Union, Banur. It is also acknowledged by learned State counsel that no other criminal case is pending against the petitioner and he was apprehended by the police on 05.07.2024.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) Since no other criminal case is pending against the petitioner; alleged recovery of contraband was effected from a Container, which was parked in the premises of Truck Union, Banur. Alleged recovery from

2025.PHHC.011915



conscious possession of petitioner would be a debatable issue during trial. Also noteworthy that out of total 13 prosecution witnesses, none has been examined till date; thus, further incarceration of the petitioner would not serve any purpose.

(7) In view of the above, present petition is allowed. Petitioner be admitted to bail pending trial on his furnishing bail bonds and surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(8) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

(9) The above observations be not construed as an expression of opinion on merits of the case in any manner.

(10) It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

27th January, 2025
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>