



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

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CRM-M-61296-2024
Date of decision: 17.01.2025

RAJPAL @ RAJU

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mohit Giri, Advocate for
Mr. Sachin Kalia, Advocate, for the petitioner.

Mr. Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 in case FIR No.109 dated 29.05.2024 under Sections 15(b) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Ludhiana, District Police Commissionerate, Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner who has no previous criminal antecedents has been in custody since 29.05.2024 for having allegedly been found in possession of 30 kgs. of poppy husk (non commercial quantity) while he alongwith the co-accused were travelling in a truck. Learned counsel has submitted that after his arrest not only has the challan been presented, even charges have been framed on 29.10.2024. However, till date only one prosecution witness out of the 13 cited has been examined. There is, therefore, no likelihood of the trial concluding in the near future.



3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has it been disputed on instructions that prosecution evidence is underway and 12 prosecution witnesses still remain to be examined. The quantity of the recovered contraband i.e. 30 kgs. of poppy husk, which has been classified as non-commercial under the Act has also not been disputed by the learned State counsel on instructions.

On a pointed query put to the learned State counsel as to whether the petitioner has any previous criminal antecedents, he, on instructions has replied in the negative.

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

5. The petitioner was allegedly apprehended alongwith co-accused on suspicion leading to the recovery of 30 kgs. of poppy husk. The next date fixed before the trial Court is 01.02.2025 when some of the remaining 12 prosecution witnesses are likely to be examined. The likelihood the trial concluding in the near future seems unlikely.

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

7. Accordingly, the instant petition is allowed and 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.

January 17, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

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