



CRM-M No. 62202-2024 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M No. 62202-2024 (O&M)
Date of Decision: 08.01.2025

Lakhvir Singh

.....Petitioner

Versus

Union of India

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Harpal Singh Sidhu, Advocate for the petitioner.

Dr. Anju Sharma, Advocate for NCB-Union of India.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of bail pending trial to the petitioner in Crime No.20 dated 27.09.2024, registered under Section(s) 8, 18, 23 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act'), at Police Station NCB, Chandigarh Zonal Unit.

2. Allegations are that petitioner was apprehended along with opium weighing 0.091 kgs concealed in two pouches from a parcel having AWB No. 9243383612 which was destined for Canada.

3. Short reply by way of affidavit dated 07.01.2025 of Ms. Poornima G.N, Intelligence Officer, NCB, Chandigarh on behalf of respondent has been filed and the same is taken on record. Copy supplied to the other side.

Registry to tag the same at appropriate place.



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4. Contends that petitioner has been falsely implicated in the present case as he was not named in the FIR; rather nominated on the basis of disclosure made by co-accused Tarsem Lal @ Bittu. Further contends that quantity of alleged contraband is non-commercial in nature. Lastly contends that petitioner is in custody since 11.10.2024 and final report under Section 173 Cr.P.C has already been presented; thus, conclusion of trial will take sufficient long time.

5. *Per contra*, learned State counsel vehemently opposed the prayer while submitting that allegations against the petitioner are serious in nature. Further submits that petitioner in his voluntary statement dated 12.10.2024 admitted the factum of consuming and selling opium. Lastly submitted that in view of gravity and seriousness of offence, the petitioner does not deserve the concession of bail pending trial.

6. Heard both sides and perused the paper-book.

7. Concededly, petitioner is in custody since 11.10.2024; recovery alleged against the petitioner is non-commercial in nature; report under Section 173 Cr.P.C has already been presented; therefore, conclusion of trial may take sufficient long time. It is not the allegation of State that in case, petitioner is released on bail, he shall influence the witnesses or hamper the course of trial, in any manner; thus, further incarceration of the petitioner would not serve any purpose.

8. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned Special Court without seeking any unnecessary adjournment(s).

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10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, Union of India would be at liberty to move an appropriate application for recalling of this order.

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

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned	Yes
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Whether reportable	No
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