

2025:PHHC:077118



206.

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

CRM-M-62900-2024

Date of decision: 01.07.2025

Balwinder Singh @ Billa

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Shanika Khurmi, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab,
with Inspector Jaskarandeep Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner, pending trial, in case FIR No.31, dated 21.02.2023, under Sections 22, 61, 85 of NDPS Act, registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case after he was allegedly nabbed along with two other co-accused while sitting by the roadside; about 86 tablets of Etizolam were scattered on the ground where the petitioner along with co-accused were seated. It has been submitted that after the petitioner was apprehended by the police on suspicion, no recovery of any contraband was made from the conscious possession of the petitioner,

which leaves no manner of doubt qua the petitioner being innocent. It has also been submitted that after the challan was presented on 20.07.2023, only one prosecution witness out of 16 cited has been examined and, therefore, the possibility of the trial concluding in the near future does not arise.

3. On being pointedly asked, learned counsel has submitted that the petitioner is not involved in any other case under the NDPS Act.

4. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that the petitioner along with the co-accused were nabbed on suspicion and no recovery of any contraband much less tablets of Etizolam were effected from the conscious possession of the petitioner and the co-accused; it has also not been disputed that the petitioner has never been booked in a case under the NDPS Act. However, on instructions, learned State counsel submits that although only one prosecution witness has been examined so far, six others have been given up with only nine prosecution witnesses remain to be examined.

5. On a further query, learned State counsel, on instructions, has not disputed that two other co-accused, who were apprehended along with the petitioner, have since been enlarged on bail and the case of the petitioner is at par with those two co-accused.

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

7. The petitioner has been in custody since 21.02.2023 after he along with co-accused were found seated on the ground where 86 tablets of Etizolam were lying scattered. The petitioner is not stated to be involved in any other case under the NDPS Act. The trial is unlikely to conclude in the near future as nine prosecution witnesses remain to be examined and the next date fixed before the Trial Court is 17.07.2025.

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

9. 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.

10. 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.

(MANJARI NEHRU KAUL)
JUDGE

July 01, 2025
sanjeev

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