



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

241**CRM-M-64323 of 2024 (O&M)****DATE OF DECISION :- 22.05.2025****Ganesh Singh****...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL****Present:-** Mr. A.S. Dhaliwal, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab assisted by SI Balkar Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 BNSS in case FIR No. 0032 dated 28.01.2023 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Special Task Force, STF Wing, District S.A.S. Nagar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is languishing in custody since 28.01.2023. It has been asserted that false recovery of 258 grams of heroin was shown to have been made from the petitioner; the said recovery is just marginally higher than the minimum prescribed as commercial under the NDPS Act. It has also been submitted that there has been non-compliance of mandatory provisions of the NDPS Act which further points to his false implication in the present case. Learned counsel has still further argued that after the challan was presented on 06.06.2023, charges were



framed on 16.12.2023, however, till date the trial has not concluded as 13 prosecution witnesses remained to be examined. A prayer has therefore been made for enlarging the petitioner on bail as there is no possibility of the trial concluding in the near future.

3. Per contra, learned State counsel has vehemently opposed the prayer and submission made on by learned counsel opposite. It has been submitted on instructions that a specific secret information was received qua the involvement of the petitioner and co-accused of Angrej Singh qua their involvement in drug trafficking on being apprehended a recovery of 258 gms of heroin was effected from the petitioner and another recovery of 260 gms was made from co-accused Angrej Singh, who were both present together at the relevant time. Learned State counsel on further instructions has disputed the submissions made by counsel opposite that there had been non-compliance of the mandatory provision of the NDPS Act. It has been asserted by learned State counsel on instructions that mandatory provisions of the NDPS Act duly complied with and the search was carried out after obtaining the consent of the petitioner in the presence of a Gazetted Officer i.e. a DSP rank official. Learned State counsel has, therefore, submitted that the recovery effected from both the accused is much above than the minimum classified as commercial under the Act.

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

5. The recovery allegedly effected from the petitioner and his co-accused who were apprehended together and had been specifically named in the secret information is much higher than the minimum classified as commercial under the Act. The next date of hearing before the trial Court is



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23.05.2025 when some of the remaining 13 prosecution witnesses are likely to be examined. The trial has been proceeding at a considerably good pace and counsel for the petitioner has not been able to bring to the notice of this Court any such circumstance which is attributable to the prosecution resulting in the delay in the trial.

- 6. In the facts and circumstances, no justifiable ground is made out to extend the concession of bail to the petitioner.
- 7. Present petition stands dismissed accordingly.
- 8. However, learned trial Court shall make earnest efforts to expedite the trial and conclude it at the earliest.
- 9. 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. All pending applications (if any) shall also stand disposed of.

(MANJARI NEHRU KAUL)
JUDGE

22.05.2025
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No