



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

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CRM-M-7181-2025

Date of decision: February 13th, 2025

Mohammad Imran Khan @ Sonu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Sharma, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.111 dated 19.08.2023 under Section 15(c) of the NDPS Act, 1985, registered at Police Station Adampur, District Jalandhar Rural.

2. Learned counsel for the petitioner submits that the petitioner has been languishing in custody since 19.08.2023 and till date the trial has not progressed on account of reasons attributable to the prosecution and prosecution alone. It has been contended that after the challan was presented on 10.05.2024, charges were framed on 18.05.2024, however, till date none of the 14 prosecution witnesses had been examined only on account of their repeated absence before the trial Court. Learned counsel has submitted that hence, the petitioner cannot be made to languish in custody for no fault of his. It has also been submitted that the petitioner has no previous criminal antecedents much less being involved in any other case under the NDPS Act.

Learned counsel in support has placed reliance upon *Rabi Prakash Vs. The State of Odisha: 2023 LiveLaw (SC) 533* and *Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]*, wherein Hon'ble the Apex Court in almost identical circumstances had extended the concession of bail to the accused on account of inordinate delay in the conclusion of the trial even though the recovery effected had been classified as 'commercial' in the said cases; Hon'ble the Apex Court had dispensed with the conditions of Section 37 of the NDPS Act in the said cases.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Ravinder Singh, has not disputed the custody period of the petitioner nor has it been disputed that the trial has come to a virtual standstill on account of repeated absence of the prosecution witnesses, who, in the present case, are all police officials. However, learned State counsel has contended that a secret information had been received qua the involvement of the petitioner in drug trafficking, pursuant to which a recovery of 80 kilograms of poppy husk was made from four bags, which he was transporting in a truck.

4. On a pointed query, learned state counsel, on instructions, has not disputed that the petitioner is not involved in any other criminal case much less a case under the NDPS Act.

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

6. The petitioner has been in custody since 19.08.2023. The trial has come to a virtual standstill only on account of the repeated

non-appearance of the prosecution witnesses, who in the present case, are all police officials.

7. Without commenting upon the merits of the case, this Court deems it fit to extend the concession of bail to the petitioner in view of his long incarceration, coupled with the fact that the prosecution witnesses have not been presenting themselves before the learned trial Court to get their evidence recorded after the charges were framed on 18.05.2024.

8. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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.

9. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

February 13th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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