



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

229

CRM-M-65420-2024
Date of decision: 08.05.2025

Amrit Lal @ Babla

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') in case FIR No.20 dated 11.02.2023 under Section 22 (Sections 29, 61, 85 added lateron) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Garhshankar, District Hoshiarpur.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 07.09.2024 in a case of false implication; the petitioner was not apprehended at the spot with co-accused Amandeep and Harvinder Singh from whom a recovery of 170 grams and 210 grams of Alprazolam was allegedly made when they were intercepted by the police on suspicion. Learned counsel has submitted that after the petitioner was taken into custody on 07.09.2024, charges were framed in November, 2024, however, till date



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none of the 16 prosecution witnesses had been examined. It has, therefore, been submitted that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose as it is a matter of record that as on date he is not booked in any criminal case.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Onkar Singh, has not disputed the custody period of the petitioner nor has he disputed the submissions made that after framing of charges in November, 2024, none of the 16 prosecution witnesses have been examined. It has been submitted on instructions that soon after both co-accused Amandeep Singh and Harvinder Singh were nabbed on suspicion, a disclosure statement was suffered by both of them on the following day wherein they nominated the petitioner as being the alleged supplier of the recovered contraband. Thereafter, the petitioner was on the run as a result of which it was only on 07.09.2024 when he could be taken into custody.

4. On a pointed query put to the learned State counsel as to whether any proceedings under Section 82 of the Cr.P.C./84 of the BNSS were ever initiated against the petitioner, he, on instructions, has replied in the negative. On further query as to whether any recovery of contraband was made after the petitioner was arrested, learned State counsel, on instructions, has replied in the negative.

5. It has been further submitted by the learned State counsel, on instructions, that the petitioner was convicted in a case under the



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NDPS Act in the year 2019, however, since the recovery effected in that case was of 'intermediatory quantity', the petitioner had served out his sentence.

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

7. The co-accused were apprehended along with 380 grams of Alprazolam on suspicion by the police. The petitioner is not stated to have been present with the co-accused when the alleged recovery was made. Even after the petitioner was arrested on 07.09.2024, no recovery of any contraband, much less Alprazolam, was effected from the petitioner. The trial is unlikely to conclude in the near future as none of the 16 prosecution witnesses have been examined so far. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. 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.

9. 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.

08.05.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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