



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

209

CRM-M-65437-2024

Date of decision: February 15th, 2025

Surjit Singh @ Ghodar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kanwar Arun Singh
and Mr. Amit Choudhary, Advocates
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail in FIR No.109 dated 29.05.2024 under Sections 15(b), 29 of the NDPS Act registered at Police Station Sadar Ludhiana.

2. Learned counsel for the petitioner contends that the petitioner has no previous criminal antecedents and has now been in custody since 29.05.2024; the petitioner was allegedly intercepted on suspicion and thereafter a recovery of 30 kilograms of poppy husk was shown to be effected from the cabin of the truck, in which he was travelling as a helper. Learned counsel has contended that the alleged recovery of 30 kilograms of poppy husk is less than commercial quantity as per the NDPS Act. It has still further been argued that the possibility of the trial concluding in the near future looks remote as only one prosecution witness out of the 13 has been examined so far.

A prayer has, therefore, been made for extending the concession of bail to the petitioner.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner nor has he, on instructions, disputed the stage of trial. It has also not been disputed, on instructions, that the petitioner has no previous criminal antecedents. However, learned State counsel submits that as per the FSL report, contents of morphine, codeine, thebaine, papaverine and narcotine were found in the samples sent by the investigating agency. It has also not been disputed by the learned State counsel that identically placed co-accused Rajpal alias Raju (driver of the truck) has already been extended the concession of bail by this Court vide order dated 17.01.2025.

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

5. The petitioner along with co-accused was allegedly apprehended by the police leading to a recovery of 30 kilograms of poppy husk. Only one witness out of the 13 cited by the prosecution has been examined till date. The petitioner concededly does not have any previous criminal antecedents much less being involved in any other case under the NDPS Act. There is little possibility of the trial concluding in the foreseeable future.

6. 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.

7. 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 15th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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