



CRM-M-12823-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**CRM-M-12823-2025 (O&M)****Date of decision : 7.4.2025**

Nishan Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Aditya Anand, Advocate,
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case having FIR No.170 dated 12.8.2023 registered under Sections 15(c) & 29 of NDPS Act at Police Station Sultanpur Lodhi, District Kapurthala.

2. The allegations in brief are that 100 kg of poppy husk kept in 5 bags each weighing 20 kg was recovered from the boot of the car while the present petitioner, co-accused Joga Singh and Manga Singh were seen loading the said contraband in Innova Car on 12.8.2023. The petitioner was arrested at the spot along with Joga Singh and Manga Singh.

3. Counsel appearing on behalf of the petitioner, *inter alia*, submits that the petitioner is falsely implicated in the present case and is in custody for the last more than 1 year and 7 months and is not involved in any other case under NDPS Act. It is further submitted that it will take time



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for the trial to conclude as till date, prosecution is able to examine only 2 witnesses out of total 12 witnesses; that similarly situated co-accused/Joga Singh is already given concession of regular bail by Coordinate Bench of this Court vide order Annexure P-2 on the ground of long incarceration. It is further submitted that in the given circumstances, no useful purpose is going to be served by prolonging the judicial custody of the petitioner.

4. Present petition is resisted by the State counsel who, *inter alia*, submits that recovery of 100 kg of poppy husk is covered under rigors of Section 37 of NDPS Act and further, the trial is going on. However, the State counsel on instructions from ASI Hargurdev Singh has not disputed the fact that till date, only 2 prosecution witnesses are examined out of total 12 witnesses on behalf of the prosecution and that the petitioner is incarcerated for the last more than 1 year and 7 months and that similarly situated co-accused/Joga Singh who was also arrested at the spot is already enlarged on bail by Coordinate Bench of this Court vide order Annexure P-2. State counsel has also not disputed the fact that the petitioner is having no criminal antecedents under NDPS Act.

5. I have considered the submissions made by the counsel for the parties.

6. Present case is relating to recovery of 100 kg of poppy husk by police on 12.8.2023 and the petitioner, co-accused/Joga Singh and Manga Singh were arrested at the spot. Admittedly, the petitioner is incarcerated for the last more than 1 year and 7 months and is not involved in any other criminal case under NDPS Act. It is also apparent that it will take time for the trial to conclude. There is nothing on record to show that delay in trial



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has happened on account of act and conduct of the petitioner. Rather the prosecution itself is responsible for the delay. Similarly situated co-accused/Joga Singh is released on bail by Coordinate Bench of this Court vide order Annexure P-2 dated 5.2.2025 on the ground of long incarceration coupled with the fact that the petitioner is not responsible in any manner for delay in trial. In the given circumstances, rigors of Section 37 of NDPS Act could be diluted in light of right to speedy trial as is enshrined under Article 21 of the Constitution of India.

7. Having regard to the custody period of the petitioner coupled with the fact that he is having no criminal history under NDPS Act and the trial is likely to take time to conclude, no purpose is going to be served by keeping the petitioner for any longer period in custody.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

April 7, 2025
Paritosh Kumar

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