

2025.PHHC:002851



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

(230)

**CRM-M-57651-2024
Decided on : 10.01.2025**

Bhushan Yadav @ Musan Yadav

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM : HON'BLE MRS.JUSTICE MANJARI NEHRU KAUL

Present: Mr.Amarpreet S.Bathindewala, Advocate for the petitioner (s).

Mr.Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

1. Prayer in the instant petition is for grant of regular bail to the petitioner under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.98 dated 06.08.2024 under Sections 20(b), 61 & 85 of the NDPS Act, 1985, registered at Police Station Kotwali, Bathinda, District Bathinda.

2. Learned Counsel for the petitioner submits that the petitioner has been in custody since 06.08.2024 in a case of false implication; allegedly a recovery of 5 Kgs 500 Gms of *Ganja* was made from the petitioner on the basis of suspicion. It has been asserted that the recovered contraband is much less than the minimum classified as 'commercial' under the NDPS Act. It is also submitted by Learned Counsel that since investigation in the present case is complete and charges also stand framed, further incarceration of the petitioner in the present case would serve no useful purpose as none of the 13 prosecution witnesses have been examined so far.

3. On a pointed query put to Learned Counsel for the petitioner as to whether the petitioner has any previous criminal antecedents, he has fairly conceded that while in one case under the NDPS Act, the petitioner has been convicted, in another case, he is still facing trial. It has further been contended by Learned Counsel that in both the previously instituted cases under the NDPS Act, the alleged recovery made from the petitioner had been classified as 'non-commercial' under the NDPS Act.

4. Per contra, Learned State Counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner nor has he disputed that the alleged recovery effected from the petitioner has been classified as 'non-commercial' under the NDPS Act. On further instructions, it has also not been disputed that although charges have been framed, none of the prosecution witnesses have been examined so far. Learned State Counsel submits that the next date fixed before the Trial Court is 22.01.2025 when the evidence of the prosecution witnesses is likely to be recorded. However, it has been brought to the notice of this Court by Learned State Counsel that the petitioner was apprehended in the instant case while he was on bail in the other cases registered against him under the NDPS Act and thus, it was evident that he had misused the liberty which had been granted to him. Learned State Counsel has filed status report by way of affidavit of Shri Harbans Singh, PPS, Deputy Superintendent of Police, City-I, Bathinda. Same is taken on record subject to just exceptions.

5. I have heard Learned Counsel for the parties and perused the relevant material on record.

6. The alleged recovery was made from the petitioner on suspicion. It is not disputed that the recovered contraband has been classified as

'non-commercial' under the NDPS Act. Furthermore, there is no possibility of the trial concluding in the near future.

7. 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 and 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. Needless to add, in case the petitioner misuses the concession of bail granted to him or is yet again involved in any other criminal case including the case under the NDPS Act, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

January 10, 2025

Sailesh

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