

**Sr. No.216****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-24834-2025 (O&M)****Date of decision: 26th May 2025****AVTAR SINGH****.....Petitioner****versus****STATE OF PUNJAB****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Ms. Nidhi, Advocate for
Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Satjot Singh, Asst. A.G., Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in this present petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.23 dated 27.01.2024, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as '*the NDPS Act*'), registered at Police Station City-II, Khanna, District Ludhiana.

2. As per the prosecution case, on 27.01.2024, the petitioner is alleged to have been found in possession of 88 strips of Alprazolam, each strip containing 75 tablets, total 6,600 tablets and 104 strips of Lomotil tablets, each strip containing 60 tablets and total 30,000 Lomotil tablets. As per the FSL report, Alprazolam and Diphenoxylate Hydrochloride was found in the parcels sent for examination.

3. Learned counsel for the petitioner submits that the petitioner is a senior citizen of 72 years of age. He has been falsely implicated in the



present case. The petitioner is not having history of any other criminal case registered against him. The conclusion of trial is likely to take time.

4. Learned State counsel has filed custody certificate dated 23.05.2025, reflecting his actual period of custody as 01 year 03 months and 23 days, which is taken on record.

4.1 Learned State counsel opposes the prayer made by the petitioner on the ground that huge quantity of contraband has been recovered from the petitioner in the shape of tablets, which falls within the commercial quantity. However, this fact has been confirmed that the petitioner is not having history of any other criminal case pending against him. He further confirms that investigation is complete, challan/final report under Section 173 Cr.P.C. has been presented before the trial Court and charges have been framed.

5. I have considered the aforesaid contentions and perused the relevant documents.

6. The petitioner, who is senior citizen of 72 years of age, is behind the bars for the last 01 year 03 months and 23 days. Investigation is complete. Final report/challan under Section 173 Cr.P.C. has been presented before the trial Court. The trial of the case has not made much progress. The petitioner has no other criminal case having been registered against him.

7. The Hon'ble Apex Court of India, in "*Nandlal Mondal @ Abhay Mondal vs. The State of West Bengal, SLP (Crl.) No.12788 of 2023*", considering the 18 months of custody of the accused and on account of protracted trial in NDPS case involving commercial quantity of contraband, released the accused on bail.



8. Keeping in view the age of the petitioner but without commenting upon the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail during the pendency of the trial, on his furnishing bonds/surety bonds/two local sureties to the satisfaction of the trial Court/Duty Magistrate.

9. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

26th May 2025

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