



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

109+230

CRM-M-64972-2024 (O&M)

Date of decision: 12.05.2025

Anmol Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Sukhwinder S. Dhillon, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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**MANJARI NEHRU KAUL, J.**

**CRM-4877-2025**

For the reasons mentioned in the application, the same is allowed and copies of zimni orders of the learned Trial Court are taken on record as Annexure P-3 subject to all just exceptions.

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1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.41 dated 04.07.2023 under Sections 22-C/27/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Bariwala, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and has now been in custody since 04.07.2023. Learned counsel submits that the petitioner has no previous criminal antecedents; he was nabbed on suspicion and thereafter recovery of 50 tablets of Etizolam shown to have been made from him. Learned counsel has submitted that after the



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challan was presented on 06.01.2024, charges were framed on 29.02.2024, however, till date not even a single prosecution witness had been examined. In support, learned counsel has drawn the attention of this Court to the zimni orders which have been annexed along with the petition. Learned counsel has submitted that in circumstances, the petitioner cannot be made to languish in custody to await the presence of the prosecution witnesses and, therefore, he deserves the concession of bail.

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, been able to controvert that after the charges were framed on 29.02.2024 not even a single prosecution witness had been examined.

4. On appointed query, learned State counsel, on instructions, has also not been able to controvert that the petitioner has no previous criminal antecedents and he was apprehended on suspicion and thereafter the alleged recovery was made from him. However, learned State counsel has submitted that the recovery of 50 tablets of Etizolam has been classified as 'commercial' under the NDPS Act.

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

6. The petitioner has been in custody for close to two years following his arrest on 04.07.2023. He is not stated to be involved in any other criminal case much less under the NDPS Act. The trial has come to a virtual standstill after the charges were framed more than a



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year back on 29.02.2024 as not even a single prosecution witness has been examined so far and on each and every date of hearing the case is being adjourned to await the appearance of the prosecution witnesses.

Hon'ble the Supreme Court in *Dheeraj Kumar Shukla Vs. State of Uttar Pradesh (SLP(Crl.) No.6690/2022)* decided on 25.01.2023 has observed as under:-

*“.... It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.”*

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. 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.

8. 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 same.

12.05.2025

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(MANJARI NEHRU KAUL)  
JUDGE

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