



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

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CRM-M-54558-2024

Date of decision: May 15th, 2025

Swaran Singh alias Sonu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

This is a second petition filed by the petitioner seeking the concession of regular bail in FIR No.112 dated 06.08.2023 under Sections 22, 27(A) of The NDPS Act, 1985, registered at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and that a fabricated recovery of 45 tablets of Etizolam has been shown to have been effected from him. While drawing the attention of this Court to the FIR annexed as Annexure P-1, learned counsel submits that the alleged recovery is not only dubious but also in violation of the mandatory provisions of The NDPS Act. It is further submitted that the trial is progressing at a slow pace, despite 15 witnesses having been cited, only three have been examined so far. It is, therefore, argued that further incarceration of the petitioner would amount to pre-trial punishment and violate his right to a speedy trial, warranting the grant of bail.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that the petitioner was apprehended at the spot and a recovery of 45 tablets of Etizolam (commercial quantity as defined under The NDPS Act) was made from his possession. Learned State counsel has further apprised this Court that the petitioner is a man of criminal antecedents; he is an accused in at least four other cases, including a case under The NDPS Act, and others under The Excise Act and IPC. It is also submitted that the examination of prosecution witnesses is underway and three out of the 15 cited witnesses have already been examined. It has been further submitted that there is every likelihood that the trial would not take much time to conclude, coupled with the fact that it will also be ensured that all the prosecution witnesses positively appear before the trial Court on each and every date of hearing.

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

5. The recovery of Etizolam tablets, as alleged, is of a quantity that falls within the commercial category under The NDPS Act. In light of Section 37 of The NDPS Act, the bar for grant of bail in cases involving commercial quantity is stringent, requiring the Court to be satisfied that there are reasonable grounds for believing that the accused is not guilty of the offence and that he is not likely to commit any offence while on bail. The mere delay in conclusion of trial cannot override the statutory embargo under Section 37 of The NDPS Act in the facts of the present case.

6. Furthermore, the criminal antecedents of the petitioner, comprising multiple other cases including one under The NDPS Act, lent credence to the apprehension that he may again indulge in similar activities if released on bail.

7. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition stands dismissed.

8. 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.

May 15th, 2025

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No