

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

**Criminal Misc. No. M-24248 of 2018
Date of decision: 28.08.2018**

Imtiaj Alam

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Balraj Sharma, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Imtiaj Alam under Section 439 Cr.P.C. for grant of regular bail in case FIR No.444 dated 07.11.2016 registered under Section 20/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Jind, District Jind, Haryana.

Learned counsel for the petitioner submits that co-accused of the petitioner, namely, Ali Abas, has been released on regular bail by this Court vide order dated 03.07.2018 in Criminal Misc. No. M-26522 of 2018 and the recovery effected from the present petitioner is also the same. Learned counsel further submits that the raid was conducted on the basis of secret information and the petitioner is in custody since 07.11.2016. All witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. The trial may take time to conclude and no purpose would be served by keeping the petitioner

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Learned State counsel has not disputed the custody period as well as release of co-accused on regular bail by this Court.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Admittedly, the raid was conducted on the basis of secret information and no independent witness was joined from the locality even when the place of occurrence is closer to bus stand and adjoining to village. The petitioner is having no criminal background as no other case is pending against him. The petitioner is in custody since 07.11.2016 and all witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. No purpose would be served by keeping the petitioner in custody.

Accordingly, the present petition is allowed and the petitioner (Imtiaj Alam) is directed to be released on regular bail subject to his furnishing heavy local surety to the satisfaction of the trial Court or any other appropriate condition may be imposed by the trial Court as the petitioner is resident of Nepal.

28.08.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No