

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

CRM-M-29375-2018 (O&M)

Date of Decision:-23.7.2018

Mohammad Ajan Khan @ Mohammad Ajan Khan ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILLPresent:- None.
*******GURVINDER SINGH GILL, J.(Oral)**

The petitioner Mohammad Ajan Khan @ Mohammad Ajan Khan has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.144 dated 4.11.2017 under Sections 20, 21, 22, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Division No.2, Pathankot, District Pathankot.

The allegations as per the case of prosecution are that a secret information was received by the police to the effect that Manjur Ahmad Lon, Mohd. Rafik Chak, Mohd. Ajan Khan, Mohd. Sabro Din, Mohd. Salamudeen, Sail Ali and Farkoo were coming on vehicle bearing registration No. JK-02-BH-3978 from Pathankot Malakpur Bypass for delivery of consignment of heroin and the charas. After receiving aforesaid information, the Police swung into action and jeep bearing registration No.JK-02-BH-3978 was intercepted. While three persons were sitting on the front seat of the jeep namely Sail Ali, Salamudeen and Mansoor Ahmad Lon, another three namely, Sabro Din, Mohd. Rafik Chak and Azam Khan were sitting on the rear seat of the jeep. The vehicle was being driven by Sail Ali.

All the aforesaid apprehended persons were extended an offer in terms of Section 50 of the NDPS Act and as per their option, Gazetted Officer, namely, Sh. Davinder Singh was called at the spot and search was effected. A bag was found concealed by Salamudeen under his legs and 310 gm heroin was recovered from the same. Another white coloured poly bag had been concealed under the legs of Mohd. Rafik Chak and 850 gm of 'charas' was recovered from the same.

As per custody certificate produced by the jail authorities today in Court, the present petitioner has been behind bars since the last 8 months and 17 days. He is not stated to be involved in any other identical case. The co-accused namely Mohammad Rafik Chak, Sabro Din, Sail Ali and Manjur Ahmad Lon had been ordered to be released on bail by this Court vide order 4.7.2018. Though the petitioner is alleged to be sitting on the rear seat of the jeep in question but no recovery was specifically effected from the present petitioner.

Having regard to the facts and circumstances of the case, no useful purpose would be served by further detaining the petitioner behind bars as the trial in its normal course is likely to take some time for its conclusion. The present petition, as such, is accepted and the petitioner is ordered to be released on bail subject his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

This petition stands disposed of accordingly.

23.7.2018

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge