

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

DATE OF DECISION :- July 04, 2018

1. CRM-M-3468-2018

Mohammad Rafik Chak

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-4910-2018

Sabro Din and another

...Petitioners

Versus

State of Punjab

...Respondent

3. CRM-M-6120-2018

Manjur Ahmad Lon

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.
(in CRM-M-3468-2018)

Mr. R.S. Manhas, Advocate,
for the petitioner.
(in CRM-M-4910-2018)

Mr. Gopal Sharma, Advocate with
Mr. Rohit Pundir, Advocate,
for the petitioner.
(in CRM-M-6120-2018)

Mr. A.S. Sandhu, Addl. A.G. Punjab.

GURVINDER SINGH GILL, J. (ORAL)

This order shall dispose of above-mentioned three bail

applications filed on behalf of petitioners i.e Mohammad Rafik Chak, Sabro Din, Sail Ali and Manjur Ahmad Lon.

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. Salmodeen, 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.

Notice of the applications was issued to the State. Mr. A.S. Sandhu, Addl. A.G. Punjab has appeared on behalf of the State and opposed the applications.

I have heard learned counsel for the petitioners as well as learned State counsel.

At the outset, it may be mentioned that the recovered heroin

i.e 310 gm would fall within the category of commercial quantity and the recovered charas i.e 850 gm is a non-commercial quantity. It is the petitioner Mohd. Rafik Chak who had been found in possession of 850 gm charas. However, it is not disputed that the said quantity is a non-commercial quantity.

Learned State counsel has stated that challan has already been presented. The petitioner Mohd. Rafiq Chak has been behind bars since the last eight months. No useful purpose would be served by further detaining him in judicial custody. As regards Sabro Din, Sail Ali, Manjur Ahmad Lon, they were present in the Mahindra vehicle intercepted by the police but no recovery was specifically effected from them in the manner the same had been effected from their co-accused who were found to be concealing small bags. The said petitioners have undergone 8 months in judicial custody. No useful purpose would be served by further detaining them in judicial custody. The conclusion of the trial is likely to take some time. As such, all the three petitions are allowed. All the petitioners are ordered to be released on regular bail on their furnishing bail bonds and surety bonds to the satisfaction of the Special Judge, Pathankot.

(GURVINDER SINGH GILL)
JUDGE

July 4, 2018
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No