

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46821-2017

Date of decision: 23.08.2018

Charan Das

... Petitioner

Vs.

Narcotics Control Bureau, Chandigarh Zonal Unit

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Deipa Singh, Advocate for
Mr. S.K. Agnihotri, Advocate
for the petitioner.

Mr. D.D. Sharma, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in NCB Crime No.49/2016 dated 20.11.2016 under Sections 8, 20, 29 & 60 of NDPS Act, 1985, registered at Police Station NCB Zonal Unit, Sector-25 (W), Chandigarh.

Learned counsel for the petitioner submits that as per allegations in the FIR, 3.810 kg of charas was recovered from four persons including the petitioner. It is further submitted that the petitioner is in judicial custody since 22.11.2016 and co-accused of the petitioner namely Om Shankar was granted the concession of regular vide order dated 31.07.2017 passed in CRM-M-18577-2017, by observing that co-accused has already been granted regular bail.. Learned counsel for the petitioner further submits that another co-accused Kishori Lal Rana @ Sanju was also granted the concession of regular bail vide order dated 21.11.2017 (Annexure P-3) passed in CRM-M-38351-2017. It is

also submitted that one another co-accused namely Lekh Raj has also been granted the concession of regular bail vide order dated 26.04.2018 passed in CRM-M-6552-2018.

Learned counsel for the respondent-Bureau could not dispute the factual position, however, has submitted that the Bureau has challenged the aforesaid orders before the Hon'ble Supreme Court by way of filing SLPs.

Without commenting anything further on merits of the case, considering the fact that the petitioner is in judicial custody since 22.11.2016; all three other co-accused have already been granted the concession of regular bail; the case is still at the stage of recording the prosecution evidence, this petition is allowed and the petitioner is directed to be released on regular bail on furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate subject to the following conditions: -

- (i) The petitioner shall surrender his passport with the trial Court, if he possesses the same.*
- (ii) The petitioner shall report to the office of NCB, Zonal Unit, Chandigarh on every Wednesday between 11 am to 4 pm. The NCB shall keep surveillance on the petitioner.*
- (iii) Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.*
- (iv) In case, the petitioner violates the above said conditions, this order of bail comes to an end automatically without reference to this Court.*

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

23.08.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No