

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

211

CRM-M-3079-2019 (O & M)
Date of Decision:05.04.2019

Mikel Chritian Clement

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Nitesh Singhi, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

Petitioner-Mikel Chritian Clement has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.48 dated 21.01.2018, under Sections 21/29/61/85 of the NDPS Act, registered at Police Station Sadar Jagraon, District Ludhiana.

The FIR was registered on the basis of a secret information, wherein it was informed that Raja Singh @ Raju and one African citizen namely Mikel Chritian Clement (who are in prison at Nabha Jail), along with Gurjant Singh and two ladies namely Manpreet Kaur and another Rozettee Nomuteby are running a racket for supply of heroin. It was intimated that accused Rozettee Nomuteby is carrying heroin for supply and travelling towards Moga. Acting upon the said information, the *naka* was set up and the bus was stopped, wherein the said accused was found travelling. Upon search, 1.5 kg. of heroin was recovered from him.

Learned counsel for the petitioner contends that the petitioner is in custody since his arrest on 24.01.2018. The indictment of the petitioner is on the basis of disclosure statement suffered by accused-Rozettee Nomuteby from whom recovery of contraband was effected. Though the name of the petitioner was given by the secret informer but it was also mentioned that he is confined in prison. The petitioner was not travelling in the said bus. He further contends that the investigation of the case is complete and further custody of the petitioner may not be necessary.

On the other hand, the bail application is opposed by the learned State counsel on instructions from HC Jarnail Singh on the ground that the charges are yet to be framed. It is also pointed out that there is another case against the petitioner of the similar nature under the NDPS Act, 1985, which is pending trial. However, it is not disputed that the petitioner was not travelling in the said bus from where the alleged contraband was recovered from possession of accused Rozettee Nomuteby .

Considering the above background and the fact that the trial of the case is likely to take time, this Court does not find any reason to further detain the petitioner in custody during the pendency of the trial. Therefore, without meaning any expression on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

05.04.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No