

CRM-M-4217-2019

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

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Date of Decision: 04.02.2019

Tarif Ali @ Mubarak Ali @ Tiyaagi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Mandeep Singh, Advocate,
for the petitioner.

Mr. Navdeep Singh, AAG, Haryana.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.408 dated 20.10.2018, registered at Police Station Farakpur, District Yamuna Nagar, under Sections 22 and 29 of the NDPS Act, 1985 (for brevity, 'the Act').

Notice of motion has been issued. Learned State counsel has appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that no recovery has been effected from the present petitioner, rather Alprazolam Tablets, Parvon-Spas Capsules etc. have been recovered from the co-accused. The allegation

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against the present petitioner is that co-accused had purchased intoxicant tablets/capsules from the present petitioner. The allegation against the petitioner is under Section 29 of the Act. Section 37 of the Act does not apply in the present case because the offence against the present petitioner is alleged to be under Section 29 of the Act. The petitioner has been nominated by the co-accused and there is no cogent evidence against him at this stage except the disclosure statement of co-accused.

The petitioner has been in custody since 21.01.2018. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of case may take a long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

04.02.2019

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No