

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-13663-2020 (O&M)

Date of Decision: 20.08.2020

Bahadar Ali & Anr.

... Petitioners

VS.

Narcotic Control Bureau, Chandigarh

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Raj Kumar Gupta, Advocate for the petitioners

Mr. Sanjay Vashisht, Sr.Panel Counsel for NCB

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioners Bahadar Ali (aged 31 years) and Irfan Mohammad (aged 22 years) have filed the present petition *inter alia* with a prayer for grant of regular bail in Crime No.12/2019 dated 02.03.2019 under Sections 8/15/18/25/29/60 of the NDPS Act, 1985, registered at PS NCB Chandigarh.

Learned counsel for the petitioners based upon the pleadings submits that a perusal of the aforesaid complaint would clearly show that the Superintendent, NCB, Chandigarh, on receiving specific information from reliable source, had recorded that a person namely, Gurjeet Singh s/o Davinder Singh is coming from Sangrur side and going towards Dehlon, Ludhiana in truck bearing registration, as mentioned therein. It was mentioned that said truck contained huge consignment of Poppy Straw and Opium. It was further recorded that the said contraband was to be delivered to Bahadar Ali (petitioner No.1) and his associates near village Dehlon, Ludhiana. Counsel further submits that petitioner No.2 Irfan Mohammad has

been roped in on the statement of co-accused Gurjeet Singh. It was further submitted that the petitioners are neither owner of vehicle nor were in possession of the contraband. Learned counsel then submits that both the petitioners were arrested on 03.09.2019.

Learned Sr. Panel Counsel, for NCB, on the other hand, submits that there are a total of 25 witnesses and none have been examined. He submits that in fact it has also come on record during investigation that Gurjeet had made telephonic calls to Bahadar Ali. He further submits that the calls were made from both sides and therefore Bahadar Ali as well as his co-accused are not entitled to concession of regular bail.

Faced with this, learned counsel for the petitioners submits that there are 65 documents and only 01 out of 25 witnesses have been examined. Counsel then submits that due to the present COVID-19 situation, detention of the petitioners in jail would be dangerous to their life and also the fact that trial is likely to take some time, the petitioners are entitled for regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19, this Court deems it appropriate to direct release of the petitioners on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to their furnishing bail bonds/surety bonds.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

20.08.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No