

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

CRM-M-17439-2020

Date of decision: 21.7.2020

MOHD. TOKIR ALIAS TOKIR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual
Court)*

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.131 dated 7.4.2020 under Sections 21(B) & 22(B) of NDPS Act at Police Station Sadar, District Yamuna Nagar.
2. It is the case of prosecution that pursuant to receipt of secret information, one Moin Ali @ Moin Khan was apprehended who was transporting 31,400 tablets of Tramadol Hydrochloride. It is further case of

prosecution that during the course of interrogation, he suffered disclosure statement to the effect that it is the petitioner Mohd. Tokir @ Tokir who had supplied the said contraband to the aforesaid Moin Khan.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated as an accused in the present case on the basis of disclosure statement and that he was never apprehended at the spot nor any recovery was effected from him.
4. Opposing the petition, the learned State counsel has submitted that since a commercial quantity of contraband was recovered from co-accused Moin Ali @ Moin Khan who has nominated the petitioner also as an accused, no case for grant of bail is made out. Learned State counsel upon instructions from ASI Jagdeep Singh has however informed that the petitioner is not involved in any other case and he has been behind bars since last more than 3 ½ months and that '*challan*' already stands presented.
5. I have considered rival submission addressed before this Court.
6. Having regard to the facts and circumstances of the case, specially that no recovery was ever effected from the petitioner who has been nominated on the basis of disclosure statement made by co-accused, the authenticity and veracity of which is yet to be established and while noticing that '*Challan*' already stands presented, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time.
7. The petition, as such, is accepted and the petitioner is ordered to be

released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.7.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No