

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

(Heard through VC)

CRM-M-36012 of 2020 (O&M)

Date of Decision: November 09, 2020

Arif Saifi @ Mohamad Arif

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Pawan Singh, Advocate
for the petitioner.

Mr. A.M. Punchhi, P.P., U.T., Chandigarh.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.170 dated 25.08.2020, under Section 18 of NDPS Act, registered at Police Station Industrial Area, Chandigarh.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 25.08.2020. It is submitted that the petitioner has been falsely implicated in the present case. It is argued that mandatory provision of Section 50 of NDPS Act has been violated in the present matter. It is also submitted that the alleged recovery effected from the petitioner is not a commercial quantity. It is also contended that investigation is already complete and nothing is to be

recovered from the petitioner, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that huge quantity of opium was recovered from the petitioner. However, he does not dispute the fact that the recovery effected from the petitioner is not commercial.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 25.08.2020; no recovery is to be made from the petitioner and that the alleged recovery effected from the petitioner does not fall under commercial quantity, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

November 09, 2020

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No