

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-4189-2021 (O&M)
Date of Decision:- 25.3.2021

Husain	Versus	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Verma, Advocate, for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab,
assisted by ASI Nirmal Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No. 5, dated 9.1.2020, Police Station Anaj Mandi, District Patiala, under Section 22 of NDPS Act.
2. As per the case of prosecution one Akshay was apprehended by the police and whose search yielded recovery of 1500 tablets of 'Tramadol'. It is further the case of prosecution that during the course of interrogation, he disclosed that the said contraband had been supplied to him by the petitioner-Husain.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that he is neither named in the FIR nor any recovery was ever effected from him and had been

nominated on the basis of a disclosure statement made by co-accused Akshay which would hardly carry any evidentiary value.

4. Opposing the petition, learned State counsel has submitted that since the petitioner came to be named by the person who was found carrying huge quantity of contraband, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last more than 9 months and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was never arrested at the spot and has been nominated as an accused on the basis of a disclosure statement, the veracity and admissibility of which would be debatable and while also noticing that the petitioner has already been behind bars for a substantial period of more than 9 months and is not stated to be involved in any other case, the petition is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

March 25, 2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No