

CRM-M-9825-2021

Date of Decision: 04.10.2021

Bashir Ahmad

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. Harpreet Singh Multani, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 98, dated 07.09.2018, registered at Police Station Sujampur, District Pathankot, for the alleged commission of an offence punishable under the provisions of Section 20 of the NDPS Act, 1985.

As per the custody certificate filed in court today by learned State counsel, the petitioner has been in custody now for more than 03 years.

Upon query to learned State counsel, he submits that the trial is now progressing, inasmuch as 09 prosecution witnesses out of 13 have been examined, with the next date of hearing before the trial court being 18.10.2021.

That being so, I would find no reason to entertain this petition, especially as the quantity of contraband ('*charas*'), as is alleged to have been

recovered from him (as per the case of the investigating agency), is 30 kgs, with commercial quantity being more than 01 kg.

Consequently, this petition is dismissed but with the trial court directed to ensure the trial is concluded at the earliest, especially looking at the period of custody of the petitioner.

However, it is also made clear that no observation made by this court in this order would be taken into consideration to determine the actual guilt or innocence of the petitioner, all such observations having been made only in the context of a petition filed under the provisions of Section 439 of the Cr.P.C.; and naturally, his guilt/innocence would be determined wholly on the basis of evidence led.

October 04, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.