

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

CRM-M No.16437 of 2021
Date of Decision:26.10.2021

Rizwan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.125 dated 27.11.2019 registered under Section 22 of the NDPS Act, 1985 at Police Station STF, District STF Wing, Punjab.

Learned counsel for the petitioner contends that on 27.11.2019, police apprehended two persons including petitioner herein, who threw their respective bags on the road and tried to run away from the spot. From the bag of petitioner, 6255 tablets of Alprazolam were recovered. It is argued that the alleged contraband was not recovered from the conscious possession of the petitioner. It is further argued that co-accused namely Faizan has already been granted bail by Coordinate Bench of this Court vide order dated 17.08.2021 passed in CRM-M No.26597 of 2020. The petitioner is in custody for more than 2 years and the trial is likely to take some time to conclude therefore, prays for grant of regular bail to the

petitioner.

Learned counsel for the respondent-State opposes grant of regular bail to the petitioner while contending that the recovery of the contraband is more than commercial quantity and therefore, the petitioner is not entitled to concession of bail.

I have heard learned counsel for the parties. Keeping in view the fact that the issue whether the recovery of alleged contraband has been effected from conscious possession of the petitioner or not; is a detabable issue and the fact that the co-accused has already been allowed regular bail by this High Court in CRM-M No.26597 of 2020 vide order dated 17.08.2021, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal/surety bonds of ₹1 lakh each to the satisfaction of concerned trial court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

October 26, 2021
P.Bhatt

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No