

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

214

CRM-M-22082-2021 (O&M)

Date of Decision: 03.11.2021

Babu Ram ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Shivoy Dhir, Advocate, for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.15 dated 06.02.2021 at Police Station Jakhal, District Fatehabad, under Sections 22(c)/27-A/61/85 of the NDPS Act and Sections 18(a) & 18(c) of the Drugs & Cosmetics Act.
2. As per the case of the prosecution on 05.02.2021, co-accused Vinod @ Kalu was apprehended by the police and from his possession 2500 tablets of Tramadol Hydrochloride 100 mg SR Radol-100 weighing 1 Kg. 108 grams; 4070 tablets of Tramadol Hydrochloride 100 mg SR Radol-100 weighing 1 Kg. 789 grams; 2930 tablets of Alprazolam IP 0.5 mg Alprasaft-0.5 weighing 602 grams; 300 tablets of Carisoma 350 mg weighing 204 grams and 07 bottles of Wincirex 100 ml weighing 968 grams were recovered. It is further the case of the prosecution that during the

course of interrogation, the said Vinod suffered a disclosure statement to the effect that he had purchased the contraband from Babu Ram (petitioner) and consequently the petitioner came to be arrested on 08.03.2021.

3. Learned counsel for the petitioner has submitted that he was never arrested at the spot nor any contraband was ever recovered from him and that he has been nominated in the present case on the basis of a disclosure statement of co-accused, which is a weak type of evidence and that he otherwise has a clean record.
4. Opposing the petition, learned State counsel has submitted that since the co-accused Vinod from whom a huge quantity of contraband was recovered has specifically named the petitioner as his supplier, 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 about 8 months and that he is not involved in any other case. It has further been informed that in the instant case charges are yet to be framed and that as many as 17 PWs have been cited.
5. I have considered rival submissions addressed before this Court.
6. It is not disputed that the petitioner was never arrested at the spot and nor any recovery was ever effected from him. It is on the basis of disclosure statement of Vinod that he came to be nominated as an accused. The admissibility and veracity of said disclosure statement would certainly be debatable. In any case, the petitioner has been behind bars for a substantial period of about 8 months and

otherwise has a clean record. The conclusion of trial is likely to consume time, as the trial in fact has not even commenced and as many as 17 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose. 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.

03.11.2021

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**