

CRM-M No.32451 of 2021

Date of Decision : 14.10.2021

Mohammad Arif

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : None for the petitioner.
Mr. Karanbir Singh, AAG, Punjab.

B.S. Walia, J. (Oral)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. On 12.08.2021, the following order was passed:-

“ Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.65 dated 19.052021 registered under Sections 22/21/29/61 and 85 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Dhuri, District Sangrur.

Learned counsel contends that the petitioner has been implicated in the instant case on the basis of a disclosure statement made by co-accused Mohd. Irfan from whom on his arrest on 19.05.2021, 275 gms of Chitta (intoxicant powder) was recovered and who made a disclosure statement on the same date implicating the petitioner and one Sufiyana in the commission of the offence leading to recovery of 25 vials of Onerex containing Codeine Phosphate from Sufiyana. Learned counsel contends that apart from the disclosure statement, there

is no other material to connect the petitioner with the commission of the offence besides the petitioner is not involved in any other case under the NDPS Act and is ready and willing to join investigation and fully cooperate in the same.

Notice of motion.

Mr. Sukhbeer, Singh, AAG, Punjab accepts notice and while requesting for time to file reply, on instructions from SI Naib Singh confirms that apart from the disclosure statement, there is no other material to connect the petitioner with the commission of offence nor there is any other case registered under the NDPS Act against the petitioner.

Adjourned to 20.09.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail till the next date, subject to his furnishing bail / surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated. ”

3. None is present on behalf of the petitioner. However, learned State counsel on instructions from *ASI Rajwant Kumar* very fairly states that pursuant to the order of this Court dated 12.08.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre-arrest bail and that his custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 12.08.2021, passed by this Court, is made absolute. The petitioner(s) shall abide with the conditions enumerated in Section 438(2)

expression of opinion on the merits of the case.

5. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

14.10.2021
'Rajneesh'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>