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

**CRM-M-39467-2020 (O&M)
Date of decision-06.10.2021**

Bashir Ahmad Meer

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Ramandeep Singh Sanhu, Sr. DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.76 dated 19.08.2018 registered under Section 21 of NDPS Act, 1985 at Police Station Ghuman, District Batala, who is in custody since his arrest on 19.08.2018.

The case of the prosecution is that on 19.08.2018, when the police party was on patrolling, they received a secret information that two persons were coming to village Ghuman town to sell intoxicant material and upon setting a naka, they would be apprehended. When the police party reached near canal bridge near Gurdwara Tapiana Sahib, two clean shaven persons were seen coming from the side of village Pandori and on seeing the

police party, they tried to return back, who were apprehended by the police party. On inquiry, they disclosed their names as Bashir Ahmad Meer and Raviz Ahmad Khoja. On search, 275 grams heroin was recovered from the pocket of pazama of accused Bashir Ahmad Meer and 25 grams of heroin was recovered from Raviz Ahmed Khoja.

Learned counsel for the petitioner contends that in all there are nine prosecution witnesses but in a period of over three years, only three witnesses have been examined so far. He submits that though the recovered contraband (275 grams of heroin) is above the non-commercial quantity but the said weight also includes the weight of container. According to him, the trial is likely to take some more time to conclude, therefore, his further custody may not be necessary. He prays for bail.

On the other hand, learned State counsel on instructions from SI Darshan Singh, has not disputed this fact that still six witnesses remain to be examined on behalf of prosecution. He has produced the custody certificate of the petitioner, which indicates that he is not involved in any other case, and the co-accused of the petitioner has already been released on bail.

After hearing the learned counsel for the parties, considering the above background, custodial period of the petitioner and the slow pace of the trial, further detention of the petitioner behind the bars would not serve any useful purpose, who is confined in judicial custody after his arrest on 19.08.2018.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

06.10.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No