

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

**CRM-M-52780-2021
Date of decision: 22.12.2021**

Mohd. Sufiyan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 65 dated 19.05.2021, registered under Sections 21, 22, 29/61/85 of the NDPS Act, 1985 at Police Station City Dhuri, District Sangrur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Darshan Singh, it is stated that while on patrol duty, a person was seen coming on foot carrying a polythene bag and became perplexed on seeing the police party and tried to run away, however, the police party apprehended him and on inquiry, he disclosed his name as 'Mohd. Irfan'. Thereafter, an information was sent to the police station on apprehension that the said person was keeping some narcotic substance.

Learned counsel further submits that the petitioner is a first offender and as per allegations, 275 grams of intoxicant powder was

recovered. Later on, on the basis of the disclosure, two more persons, Faisal Khan and Mohd. Sufiyan (petitioner herein), were arrested and 25 bottles of Onerex were recovered and again on their disclosure, co-accused Najma Khatoon was involved in this case under Section 29 of the NDPS Act.

Learned counsel for the petitioner further submits that co-accused Faisal Khan has already been granted the concession of anticipatory bail by this Court, vide order dated 22.07.2021 passed in CRM-M-26519-2021 and co-accused Najma Khatoon has been granted the concession of regular bail, vide order dated 16.11.2021 passed in CRM-M-29526-2021.

Learned counsel further submits that the petitioner is in judicial custody for the last 05 months and 22 days; he is not involved in any other case and conclusion of trial will take a long time.

Learned State counsel has filed the custody certificate and has opposed the bail on the ground that the recovery involved is of commercial quantity, however, it is not disputed that the petitioner is not involved in any other case; investigation is complete and the conclusion of trial may take a long time as the charges have not yet been framed.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last 05 months and 22 days; he is not involved in any other case; similarly situated co-accused have already been granted the concession of anticipatory/regular bail as noticed above and also in view of the fact that there is a moot point, which shall be decided during the course of trial, whether the provisions of

Sections 42 and 50 of the NDPS Act were complied with or not, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

22.12.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No