

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

205

CRM-M-1284-2022

Date of decision: 08.02.2022

DANISH ALAM

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana
for the respondent-State.

SANT PARKASH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 987 dated 20.10.2021 registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Sadar Karnal, District Karnal.

As per the prosecution version, on 19.10.2021, the police party on the basis of secret information apprehended the accused-petitioner and 1 Kg and 536 grams of opium was recovered from his possession without any permit or license.

The petition has been opposed by learned State Counsel.
However, no reply has been filed on behalf of respondent/State.

I have heard learned Counsel for the parties and gone

through the case file.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. False recovery has been planted upon him. Mandatory provisions of the NDPS Act were not complied with. The petitioner is migrated labourer and he had no knowledge of the alleged substance shown to have been recovered from him. The petitioner has been used as conduit by the co-accused Gurlal Singh who has already been granted concession of interim bail by this Court vide order dated 22.11.2021. The petitioner is in custody since 19.10.2021. The petitioner is not involved in any other case under the NDPS Act. Investigation of the case has been completed and challan has already been presented. Trial is likely to take long time. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has submitted that the petitioner was apprehended on the spot by the police and recovery of contraband effected from the petitioner is a heavy quantity in intermediate quantity. In view of the nature of accusation and gravity of the offence, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Learned State Counsel has sent Custody Certificate dated 07.02.2022, print out of which is taken on record.

As per the Custody Certificate, the petitioner has undergone actual sentence of 3 months and 9 days.

Having considered the facts and circumstances of the case, nature of accusation, recovery of contraband from the petitioner falling in non-commercial category, petitioner not involved in any other case under the NDPS Act, custodial interrogation of the petitioner not required for effecting any recovery and the fact that the trial is likely to take long time but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

08.02.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No