

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

220

CRM-M-11965-2022
Date of decision : 10.10.2022

Ramzan Mohammad @ Maddi

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Prashant Vashisth, Advocate
for the petitioner.

Mr. Hakam Singh, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.12 dated 22.01.2022 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Payal, Khanna, Ludhiana.

Brief facts of the case are that on 22.01.2022 police party headed by ASI Mukhtiar Singh was on patrolling duty. On suspicion, they apprehended the petitioner and on search 52 kgs. of poppy husk was recovered from him.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner is aged about 58 years and is having many health related problems. The petitioner is not involved in any other case under the NDPS Act. The petitioner was in custody since 25.01.2022. Co-accused Jeet Singh has already been granted concession of regular bail by the Coordinate Bench of this Court vide order dated 09.05.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

Learned State counsel has opposes the present petition on the ground that the petitioner was arrested for having kept in his possession 52 kgs. of poppy husk without any licence or permit.

Custody certificate dated 08.10.2022 has been filed by learned State counsel which is taken on record. As per the custody certificate the petitioner is in custody for more than 08 months and he is not involved in any other case.

I have heard learned counsel for the petitioner and learned State counsel and gone through the paperbook.

Keeping in view the facts and circumstances of the case, the custody period of the petitioner, the fact that he is not involved in any other case and and also the fact that the trial is likely to take long time but without commenting anything on merits of the case, the present petition is allowed.

The petitioner-Ramzan Mohammad @ Maddi is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, the State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other criminal activity during the period of bail.

10.10.2022

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**(ASHOK KUMAR VERMA)
JUDGE**

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