

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

205

CRM-M-21312-2021 (O&M)

Date of Decision: 01.06.2022

MOHAMMAD AARIF

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.202 dated 15.11.2019, under Section 18 of the NDPS Act, 1881, registered at Police Station Adampur, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the alleged recovery of 5 kilogram Opium was effected from a car, in which the petitioner was the driver and that the petitioner has been in custody since 15.11.2019. He further submits that there is no other case registered and/or pending against the petitioner.

In support of his contentions, learned counsel for the petitioner relies upon the order dated 07.02.2020 passed by Hon'ble Supreme Court in Criminal Appeal No.245/2020 titled Chitta Biswas @ Subhas vs The State of West Bengal and order dated 08.12.2021 passed in Special Leave to Appeal (Crl.) No.7871/2021 titled Sushil Biswas vs

The State of West Bengal.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the recovery effected from the petitioner is a commercial quantity. He further submits that post framing of the charge, the prosecution evidence is going on and there are total 14 witnesses.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 15.11.2019. Recovery has already been effected. There is no other case registered and/or pending against the petitioner. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of both the sides, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

01.06.2022

Aman Jain

**(HARNARESH SINGH GILL)
JUDGE**

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