

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

214

CRM-M-22576-2022

Date of decision : 29.08.2022

Bharat Bhushan Sharma

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Vinay Phogat, D.A.G., Haryana
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.286 dated 01.07.2021 registered under Sections 22C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') and Sections 18(a), 18(c), 27(b)(ii) and 28 of the Drugs and Cosmetics Act, 1940 at Police Station Dabua, District Faridabad.

Brief facts of the case are that on 01.07.2021 when the police party headed by SI Jamil Khan was present at Masjid Chowk, NIT 3, they received a secret information that one Sagar who is involved in selling of narcotics injections was present at Chungi No.17. Notice under Section 42 of the NDPS Act was sent to the SHO concerned. Thereafter, the police party reached the spot and apprehended the said boy, who was having a black colour bag in his hand. On conducting search of the bag, 112 injections of

Buprenorphine Leegesic of 2ml. Each (total 224 ml.) and Avil injections (total 361) were recovered from the bag.

Learned Counsel for the petitioner has argued that the petitioner was not arrested on the spot and no recovery was made from his possession. The petitioner has been falsely implicated in the case on the basis of disclosure statements allegedly made by co-accused Sagar. Apart from the disclosure statement, there is no evidence regarding involvement of the petitioner in the case. The petitioner is in custody since 22.01.2022. All the prosecution witnesses are official witnesses. The petitioner is not involved in any other case. Trial is likely to take time and no 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 argued that the petitioner is accused of having supplied the alleged contraband to his co-accused Sagar and the petitioner does not deserve the concession of regular bail. Challan has been presented in the Court and charges are framed. Now, the case is fixed for recording of statements of prosecution witnesses.

Custody certificate dated 27.08.2022 has been filed by learned State counsel which is taken on record. As per the custody certificate, the petitioner is in judicial custody for the last 07 months and 05 days and he is not involved in any other case.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, particularly that the petitioner was not apprehended on the spot, no

recovery was made from him, there is no evidence against him except the disclosure statement of his co-accused Sagar, the petitioner is not involved in any other case and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Bharat Bhushan Sharma 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.

29.08.2022

kothiyal

**(ASHOK KUMAR VERMA)
JUDGE**

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