

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

**CRM-M-30495-2022 (O&M)
Date of decision: 14.11.2022**

Danish Bakshi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Kanwar Inder Singh, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 48 dated 07.03.2022, registered under Sections 18(b) of the NDPS Act, at Police Station Lambi, District Sri Muktsar Sahib.

Status report by way of affidavit dated 14.11.2022 of the Deputy Superintendent of Police, Sub-Division Malout, District Sri Muktsar Sahib, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that alleged recovery of 2 kg. and 400 gm. of Opium falls under the non-commercial category; that the petitioner is not involved in any other case; that charges and been framed and that the petitioner has been in custody since 07.03.2022;

Learned State counsel, while vehemently opposing the prayer for bail, submits that the recovery of 2 kg. and 400 gm. of Opium was effected from the personal search of the petitioner. However, he does not dispute the

custody period of the petitioner and the facts that there is no other pending or decided case against the petitioner and the recovery contraband falls under the non-commercial category. He submits that out of 12 prosecution witnesses, none has been examined.

I have heard the learned counsel for the parties and have also gone through the paper-book.

The petitioner has been in custody since 07.03.2022. The recovered contraband falls under the non-commercial category. There is no other pending or decided case against the petitioner. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

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

It is also clearly stipulated that the petitioner would be required to remain present on all dates fixed by the trial Court and his counsel will not seek unnecessary adjournments and that if the petitioner tries to delay the trial or involves himself into another case of a similar nature, the trial Court would put back him into incarceration.

(HARNARESH SINGH GILL)
JUDGE

14.11.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No