

**CRM-M-30802-2022 (O&M)
Date of decision-23.11.2022**

Suraj Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gurmohan Singh Bedi, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.76 dated 27.07.2021 registered under Sections 18, 29-61-85 of NDPS Act, 1985 at Police Station Cantt., District Ferozepur, who was arrested on 28.07.2021.

The above FIR was registered on the basis of secret information, wherein it was revealed that Satyaveer Shekhawat would be coming to Ferozepur in a trolly bearing registration no.RJ-25-GA-3540, containing cars and that in the said trolly, huge quantity of '*opium*' is also being brought by said person for delivering to Suraj Kumar (petitioner) for further selling the said '*opium*' in the territory of Ferozepur. Acting upon the information, *naka* was laid and Satyaveer Shekhawat was apprehended with 5 kilograms and 100 grams of '*opium*'. During interrogation, he disclosed

that he had brought the said '*opium*' for delivery to the petitioner-Suraj Kumar.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case on the strength of disclosure statement made by Satyaveer Shekhawat and according to him, contraband was to be delivered to the petitioner. He submits that the investigation of the case is complete, and the nature of evidence relied upon by the prosecution against the petitioner is comparatively weak in nature. He prays for bail.

The prayer is opposed by learned State counsel, assisted by ASI Harbans Singh, who submits that the recovered contraband falls under the commercial quantity and apart from this case, the petitioner was involved in two more cases, wherein he was convicted. Learned counsel has filed custody certificate of the petitioner by way of affidavit of Yogesh Jain, Deputy Superintendent of Central Jail, Ferozepur. However, it is not disputed that in this case, the petitioner is implicated on the basis of disclosure statement made by co-accused Satyaveer Sharma, and after framing of charges on 14.03.2022, out of total 14 prosecution witnesses only 2 witnesses have been examined.

At the stage, Mr. Bedi, learned counsel submits that in the other two cases, the sentence of the petitioner has already been suspended.

After hearing the learned counsel for the parties and considering the above background, particularly, the custodial period of the petitioner, this Court is of the opinion that his further detention behind the bars may not be necessary for any useful purpose, as out of total 14 prosecution witnesses only 2 witnesses have been examined. Apart from it,

the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

23.11.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No