

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

224

**CRM-M-53853-2021 (O&M)
Date of Decision: 28.09.2022**

VED RAM

...Petitioner

Versus

UNION OF INDIA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. DD Sharma, Advocate
for the petitioner.

Mr. Rajiv Sharma, Advocate
for the respondent-UOI.

HARNARESH SINGH GILL, J.(Oral)

CRM-34907-2022

Application is allowed, as prayed for.

Annexures P-12 to P-20 are taken on record, subject to all
just exceptions.

Registry is directed to tag the same at an appropriate place.

CRM-M-53853-2021

Through this 2nd petition, the petitioner seeks regular bail in
case bearing NCB Crime No.14/2020 dated 26.02.2020, registered under
Sections 8, 20, 23(c), 27(A), 28, 29, 60 and 62 of the NDPS Act, the first
one having been dismissed on merits on 19.03.2021.

Learned counsel for the petitioner submits that there were
seven accused in the present case; that the complaint was registered at the
behest of Intelligence Officer; that no recovery was effected from the

petitioner; that the allegation against the petitioner is that the drug money amounting to Rs.3,05,000/- was effected from him and that the petitioner has been in custody since 26.02.2020. He further submits that out of 32 prosecution witnesses, only 5/9 have been examined so far and 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 judgments passed by Hon'ble Apex Court in Special Leave to Appeal No.4173/2022 titled Shariful Islam @ Sarif vs State of West Bengal, decided on 04.08.2022; Special Leave to Appeal (Crl.) No.5769/2022 titled Nitish Adhikary @ Bapan vs State of West Bengal, decided on 01.08.2022 and a Coordinate Bench of this Court in CRM-M-43988-2019 titled 'Budhi Prakash vs Union of India, NCB Chandigarh', decided on 20.01.2020.

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 petitioner had actively participated in the occurrence, inasmuch as, he is the one who had delivered 1.474 kg charas to Shah Nawaz Gulam Choratwala (the co-accused) and have received the drug money, which was recovered from him.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 26.02.2020. As per the learned counsel for the petitioner, no contraband was recovered from the petitioner and only the drug money was recovered. 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 either side, 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.

28.09.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>