

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(211)

CRM-M-3353-2022
Date of decision:- 18.07.2023

Rahul Uppal ... Petitioner
Versus
Union of India and another ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Paras Talwar, Advocate with
Mr. Sidharth Sehgal, Advocate
for the petitioner.

Ms. Gurmeet Kaur Gill, Senior Panel Counsel,
for respondent No.1-UOI (NCB).

Mr. Arun Luthra, DAG, Punjab
for State-respondent No.2.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking
grant of post-arrest bail in:-

Crime No.	Dated	Police Station	Sections
53	22.08.2021	Taragarh, Pathankot	8, 20, 25, 27-A, 29 and 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”)

2. Complaint, Annexure R-5, has been registered on the basis of
secret information, a canter was intercepted and recovery of 24.500 kg
charas was effected. Nazeer Mohammad And Mohammad Rafi, who were
traveling in the canter, were arrested.

3. Counsel for the petitioner contends that although petitioner has been named as an accused in the secret information received by the NCB and was arrested soon after the interception of the canter, but no contraband has been recovered from his possession. He submits that merely on the basis of disclosure statement of the co-accused, petitioner has been embroiled in a serious offence. It is his argument that the statement of the co-accused is inadmissible in evidence and is hit by Section 27 of the Evidence Act. Still further, he submits that the petitioner, who has clean antecedents, deserves to be enlarged on bail, as he is languishing behind bars since 25.08.2021 and the trial is at an initial stage.

4. *Per contra*, counsel representing the NCB submits that recovery of Rs.60,000/-, in cash, and an Activa scooter has been effected from the petitioner and he has been named as the person to whom the contraband was to be delivered. On the basis of the reply filed on behalf of the NCB, she could not dispute the antecedents of the petitioner as well as the fact that no recovery has been effected from him. As per instructions received by her, prosecution evidence is underway and two out of twenty two prosecution witnesses have been examined.

5. I have heard counsel for the parties.

6. Undisputedly, petitioner enjoys a clean past and no prohibited substance has been recovered from him. He is in detention for the last more than twenty two months and the trial is at a nascent stage. Considering these factors, this Court is inclined to accede to the prayer made in the petition.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

18.07.2023

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No