

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

**CRM-M-13501-2023
Date of Decision: 16.05.2023**

TEERATH KUMAR

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 439 CrPC, prayer has been made for grant of bail pending trial in case FIR No.198 dated 12.11.2021 registered under Sections 22 and 27 of NDPS Act, 1985, P.S. City-II Mansa, District Mansa.

2. As per allegations levelled in FIR, the petitioner was implicated against the alleged recovery of 6000 Tablets of Alprasafe.

3. Learned counsel for petitioner submits that in the present case, investigation already stands concluded with the filing of challan followed by framing of charges and only 1 witness has been examined out of total 14 as cited by the prosecution. He further submits that the petitioner has already suffered incarceration for a period of more than 1 year and 6 months. Learned counsel also submits that there is no other case pending against petitioner and he is not a habitual offender.

4. On the other hand, learned State counsel opposes the prayer

made in the petition while submitting that in the present case there is heavy recovery of tablets from the petitioner.

5. I have heard learned counsel for parties and have gone through the paper-book. I find substance in the submissions made on behalf of petitioner.

6. Considering the fact that petitioner has already suffered incarceration for a period of 1 year and 6 months, he being the first offender with no criminal antecedents and only 1 witness has been examined out of 14 witnesses cited by the prosecution, besides, the petitioner not being involved in any other case of NDPS Act, moreover, the investigation already having concluded followed by framing of charges, I do not deem it appropriate to extend the incarceration of petitioner any further. Reference in this regard may be made to an order dated 04.08.2022 passed by the Hon’ble Supreme Court in SLA (CrI.) No.4173 of 2022 titled as “Shariful Isalm @ Sarif Versus The State of West Bengal”.

7. Without commenting upon merits of present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Ilqa Magistrate/Duty Magistrate.

16.05.2023
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(HARKESH MANUJA)
JUDGE

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