

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

219

CRM-M-17729-2023 (O&M)

Date of Decision: 10.08.2023

RAVI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this 2nd petition, the petitioner seeks regular bail in case bearing FIR No.94 dated 23.06.2021, registered at Police Station City Moga, District Moga, under Section 22 NDPS Act, the first one having been dismissed as withdrawn on 18.08.2022.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner has been in custody since 23.06.2021 and that out 13 prosecution witnesses, only 02 witnesses have been examined so far. He further submits that the allegations against the petitioner are that he was driving the car from which the alleged recovery was effected; that the petitioner is said to be the owner of the car and that the alleged recovery of 700 and 500 Etizolam Mouth Dissolving tablets were recovered from the petitioner and co-accused, namely, Jagsir @ Jagga, respectively. Still further, it is submitted that there is no other case registered and/or

pending against the petitioner under the NDPS Act, though there are

other IPC cases and in five cases, the petitioner stands convicted.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that recovery of intoxicating contraband effected in the present case, falls under commercial quantity and that Section 37 NDPS Act bars the grant of bail to the accused in case of commercial quantity. He further submits that the petitioner is a habitual offender and facing many more cases under IPC and that material witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

Though the recovery effected in the present case is a commercial quantity, yet the fact remains that the petitioner has been in custody since 23.06.2021 i.e. more than two years and one month. There is no other cases registered and/or pending against the petitioner under the NDPS Act, though there are IPC cases against him. 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.

10.08.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*