

2023:PHHC:085129

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

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CRM-M-20859-2023 (O&M)

Date of Decision: 06.07.2023

SHABANA SHEIKH

... Petitioner

Versus

NARCOTIC CONTROL BUREAU THROUGH UNION OF INDIA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gurbir Singh Sandhu, Advocate
for the petitioner.

Mr. Rajiv Sharma, Standing counsel and
Mr. Gautam Kaile, Advocate
for the respondent-NCB.

HARNARESH SINGH GILL, J.(Oral)

CRM-27177-2023

This is an application for placing on record reply dated 30.06.2023 filed on behalf of the respondent-NCB on record, along with the Annexures.

With no objection from the learned counsel opposite, the present application is allowed.

Reply along with Annexures filed on behalf of the respondent-NCB is taken on record.

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

CRM-M-20859-2023

Through this second petition, the petitioner seeks regular bail in case Crime No.14 dated 26.02.2020, registered at Narcotic Control

Bureau, Chandigarh, under Sections 8, 20, 23(C), 27-A, 28, 29 and 60 NDPS Act, the first one having been dismissed as withdrawn on 19.03.2021.

As per the case of the prosecution, recovery of contraband had been effected from the petitioner and co-accused, Shahnawaj Gulam Choratwala.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that no recovery had been effected from the conscious possession of the petitioner, at any stage; that material witnesses have already been examined and that the petitioner has been in custody since 26.02.2020.

Learned counsel for the petitioner further submits that the only allegation against the petitioner is that he was present at the spot along with co-accused, namely, Shahnawaj Gulam Choratwala, who has already been granted the concession of bail and that there is no other case registered and/or pending against the petitioner, at least of a similar nature.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned counsel for Union of India (UOI) does not dispute the custody period of the petitioner. He, however, submits that the petitioner was in regular touch with co-accused, namely, Shahnawaj Gulam Choratwala, as would decipher from the call details. He further submits that during investigation, it was found that the petitioner had handed over Rs.3,05,000/- to Shahnawaj Gulam Choratwala, to purchase

the contraband and that the recovery effected is a commercial quantity and Section 37 of the NDPS Act, bars grant of bail to the persons involved in commercial quantity cases. Still further it is submitted that material witnesses are yet to be examined and thus, a prayer is made for dismissal of the present petition.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 26.02.2020. Recovery of contraband and drug money of Rs.3,05,000/- had already been effected. The only allegation against the petitioner is that the petitioner had handed over Rs.3,05,000/- to Shahnawaj Gulam Choratawala, who had since been enlarged on bail. 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 her furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

06.07.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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