

S. No.221

2023:PHHC:122646

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26310 of 2023

Date of Decision:19.09.2023

Mohd. Anwar @ Ambu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sunny K. Singla, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of this petition filed under Section 439 Cr.P.C., prayer has been made by the petitioner for grant of regular bail in case FIR No.122 dated 30.07.2022 registered under Sections 22, 29, 61 and 85 of NDPS Act, at Police Station – City 2 Malerkotla, District Malerkotla.

As per prosecution allegations, 990 loose intoxicant tablets were from the possession of the petitioner kept in a transparent polythene bag, which he had thrown at the site of the police party. The same were taken into possession. On analysis, the tablets were found to be containing the salt of “*Diphenoxylate Hydrochloride and Atropine Sulphate*” and the total weight of the contraband was found to be 81.18 grams, which falls in the commercial category.

Learned counsel for the petitioner contends that the petitioner was falsely implicated; that he is in custody for the last more than one year; that trial has not commenced as not even a single witness has been examined so far and that the petitioner has no criminal antecedents of the similar nature and in all these circumstances, he be allowed bail.

Status report by way of affidavit of Shri Kuldeep Singh, PPS, Deputy Superintendent of Police, Sub Division Malerkotla, District Malerkotla has been filed on behalf of the respondent- State, along with the custody certificate.

Learned State Counsel has opposed the bail petition by pointing out that the petitioner is involved in one more criminal case i.e. FIR No.2 dated 03.01.2014 registered under Section 379/411 IPC at Police Station Malerkotla. It is conceded that petitioner is not involved in any other case pertaining to NDPS Act except the present one. It is also disclosed by learned State Counsel that out of 13 witnesses cited by the prosecution, not even a single witness has been examined so far.

Having regard to the facts and circumstances of the case as above, particularly the fact that petitioner is in custody for the last 01 year, 01 months and 19 days as per the custody certificate; that he has no other criminal case pending against him pertaining to NDPS Act and that the trial may take time to conclude, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/ Duty Magistrate concerned.

Allowed.

September 19, 2023
renu

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No