

210

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

CRM-M-27719-2023 (O&M)

Date of decision: July 07, 2023

Arshad Ahmed Dar

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Rohit Aggarwal, Advocate for
Mr. Ajay Singh Bhattian, Advocate
for the petitioner.

Ms. Guramrit Kaur, D.A.G., Punjab assisted by ASI Jai Gopal.

ARUN MONGA, J. (ORAL)

Petitioner, stated to be 42-year old sole bread winner of his family, seeks bail in criminal case bearing FIR No.173 dated 02.07.2022, registered under Section 22 of the NDPS Act, 1985 at Police Station Phillaur, Jalandhar Rural.

2. Per FIR, on the secret information, vehicles were being checked at a barricade erected on 02.07.2022 at Hightech Naka Sutlej Bridge Phillaur. When a white coloured Swift car was stopped and checked, the police party found intoxicant substance i.e. total 102 plastic bottles of COCREX Cough Syrup, total weighing 10200 ML and 88 bottles of liquid intoxicant drugs. Four young persons were travelling in the car and taken in custody.

3. Learned counsel for petitioner contends that petitioner has been falsely implicated in the present case. Alleged recovery has been planted on him. Even as per the FIR he was sitting on the front seat, but the contraband was recovered from the back seat of vehicle. He further argues that there is no compliance of Sections 42 & 50 of the NDPS Act in the present case. Further he informs that all the other co-accused have already been granted bail by this Court. He further argues that even antecedents of the petitioner are clean.

4. On the other hand, learned State counsel opposes the bail petition. She submits that petitioner has committed serious offence. The quantity of contraband recovered is more than the commercial one.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Petitioner is in custody in this case since 02.07.2022. Challan was presented on 15.11.2022 and charges were framed on 16.01.2023. There are 13 prosecution witnesses but none has been examined so far. Trial is still likely to take long time, whereas petitioner has already been languishing in jail for the past more than 1 year in preventive custody. Petitioner is not involved in any other case. Co-accused of petitioner have already been granted the concession of bail by this Court and case of petitioner is at par with that of his co-accused.

7. In any case, allegations against petitioner are a matter of trial at this stage. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no

useful purpose would be served to keep the petitioner in further preventive custody.

8. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Magistrate, as the case may be.

9. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

10. It is made clear that any observations and/or submissions noted herein above shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned Trial Court shall proceed without being influenced with this order.

11. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 07, 2023
ashish

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No