

CRM-M-28690-2023
Date of decision: 06.06.2023

Versus

State of PunjabRespondent

Present: Mr. Ramesh Chand Sharma, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

Learned counsel for the petitioner *inter alia* contends that the present FIR was lodged on the basis of secret information and petitioner along with two other accused, namely, Gurdit Singh and Nirval Singh were named as accused.

On the basis of secret information, the petitioner along with two other co-accused were apprehended and the Investigating Officer SI Harjinder Singh recovered 1 kg 500 grams of opium from the polythene bag carried by the petitioner. The recovery from the petitioner falls under the non-commercial quantity and as such the embargo under Section 37 (1) (b) of the NDPS Act would not be attracted. The petitioner is stated to be involved in two more

cases under the NDPS Act and he has been acquitted in one case and in another case, he is already on bail.

The learned State counsel opposes the grant of regular bail to the petitioner on the ground that he is a habitual offender and earlier also, he has already been involved in a case under the NDPS Act.

Heard counsel of both the parties and perused the records. The Hon’ble Supreme Court in *Prabhakar Tewari Vs. State of U.P.* 2020 (11) SCC 648 and *Maulana Mohd. Amir Rashadi Vs. State of UP and another* (2012) 2 SCC 382, has categorically held that the allegation of grave and serious offence and pendency of several cases against the accused cannot be the only basis to refuse prayer of bail.

Keeping in view that the petitioner is in custody since 30.01.2023 and there is no likelihood of trial being concluded in the near future, no useful purpose shall be served by further detention of the accused-petitioner. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial. The present petition is allowed and the petitioner is ordered to be released on regular bail during the pendency of trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

06.06.2023
Neha

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