

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

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2023:PHHC:086783

CRM-M-32235-2023

Date of decision: July 12th, 2023

Rahul alias Bhoondi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. Subhash Godara, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.26 dated 22.03.2023 lodged under Sections 27-a and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Tibber, District Gurdaspur.

Learned counsel for the petitioner submits that the petitioner has been in custody since 19.05.2023 for allegedly supplying the recovered contraband to co-accused Manbir Singh @ Sabi and Gaurav @ Monu, who were nabbed by the police along with 6 grams of heroin and ₹10,000/- drug money. Learned counsel submits that the petitioner came to be nominated as an accused in the case in hand on the basis of disclosure statement allegedly made by the co-accused. Learned counsel submits that the evidentiary value of such disclosure statement is of a weak nature and the innocence of the petitioner can be gauged from the fact that when he was arrested, no recovery much less of heroin or any drug money was effected from him.

Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite, has not been able to dispute that no recovery much less of heroin was effected from the petitioner when he was arrested on 19.05.2023, however, he submits that the petitioner had been nominated as an accused on the basis of a disclosure statement made by the co-accused, who specifically stated that they had procured the recovered contraband from the petitioner. He submits that the petitioner is a supplier of drugs. It has also been submitted that though the petitioner is involved in another case under the NDPS Act, however, the recovery effected in that case concededly is of non-commercial quantity.

I have heard learned counsel for the parties and perused the material placed on record.

The trial is not likely to conclude in the near future as only challan stands presented. This Court in the facts and circumstances as enumerated hereinabove, thus deems it fit to extend the concession of bail to the petitioner and, accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

The State is granted liberty to seek cancellation of bail in case the petitioner misuses the concession of bail granted in the instant case.

July 12th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

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