

CRM-M No.33471 of 2023 (O&M)

2023:PHHC:164107

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

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CRM-M No.33471 of 2023 (O&M)

Date of Decision: 20.12.2023

RAFIQ ALIAS MOHD. RAFIQUE**.....Petitioner****Vs****STATE OF HARYANA****....Respondent****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mohammad Arshad, Advocate
for the petitioner.

Mr. Viney Phogat, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.311 dated 23.06.2022 registered under Sections 20(b)(ii)(C)-61-85 of NDPS Act at P.S. Hodal, District Palwal.

2. Learned counsel for the petitioner submits that around 750 kgs. of *Ganja Patti* is alleged to have been recovered from the conscious possession of the petitioner.

3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that custody of the petitioner is too less.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5.

In the present case, the petitioner has already suffered incarceration for a period more than 01 year and 06 months; investigation already stands concluded with the filing of challan and only 01 prosecution witness has been examined out of total 17 witnesses so far.
6.

Considering the fact that the petitioner has already suffered incarceration for a period of more than 01 year and 06 months and the trial is likely to take sometime, I do not find any justification to extend the incarceration of the petitioner.
7.

Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.
8.

CRM No.39063 of 2023 is accordingly disposed of.

December 20, 2023 Atik	(HARKESH MANUJA) JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No