

CRM-M-37894-2022
Date of decision: 10.04.2023

...PETITIONER

...RESPONDENT

Learned counsel for the petitioner contends that the FIR has been registered in pursuance of recovery of 1310 tablets of Tramadol Hydrochloride from Kuldeep Singh @ Deepa, the co-accused. The petitioner has not been named in the FIR and he has been nominated on the basis of the disclosure statement of the co-accused. Though, the petitioner is involved in two other cases under NDPS Act but he is on bail in one of the cases and furthermore, in both cases, no recovery has been effected from the petitioner, who has been nominated on the basis of the disclosure statement. The petitioner is in custody for a period of 01year, 02 months and 14 days.

Learned State counsel has opposed the bail application on the score

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that the petitioner is also arraigned as accused in two other cases under NDPS Act and the quantity of contraband falls in the category of commercial quantity. Till date, out of 12, only 01 witness has been examined.

It is significant to note that the petitioner has been nominated on the basis of the disclosure statement of the co-accused. Concededly, nothing has been recovered from the petitioner. The effect of the disclosure statement of the co-accused will be a debatable and moot point in the trial Court. Although, the petitioner is involved in two other cases under NDPS Act but he is on bail in one of the cases and in the other two cases, it has been stated that no recovery has been effected and the petitioner has been nominated on the basis of the disclosure statement of the co-accused. Till date, out of 12, only 01 witness has been examined. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

10.04.2023

*renubala***(VIVEK PURI)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No