

Date of decision: 20.03.2023

VERSUS

...RESPONDENT

DEEPAK MANCHANDA,J. (ORAL)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No.48 dated 24.06.2021, under Sections 21, 22 (Act No.61 of 1985) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bhadaur District Barnala, who along with the co-accused is alleged to have possessed contraband i.e (i) 10 gram intoxicant powder and (ii) 1150 intoxicant loose tablets of white colour.

Learned counsel for the petitioner contends that the petitioner is in custody since 24.06.2021. He submits that petitioner has been falsely implicated in the present case and at the time of arrest of the petitioner no independent witness has been joined, even though the place where recovery is shown was a busy place. He further submits that nothing was recovered as alleged in the FIR because the case was registered at the secret information and the police has not complied with the provisions of Section 42 of NDPS Act and no information has been sent to the higher officers before conducting the raid. It is also submitted that the challan stands presented and the charges have been framed and there are no other antecedents and that the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the ASI Amarjit Singh, Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence

Alleged against the petitioner is serious in nature, however, does not dispute the

fact that challan stands presented on 11.11.2021 and the charges have been framed on 07.12.2021. Only two witnesses have been examined out of total 12 prosecution witnesses and the case is pending before the trial Court for prosecution evidence.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 24.06.2021. It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the recovery is joint from the petitioner and co-accused Sukhchain Singh and the challan stands presented, the charges have been framed, and there is no other case under NDPS pending against the petitioner, and also, the trial would take sufficient time, therefore, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

20.03.2023

RENU

(DEEPAK MANCHANDA)
JUDGE

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