

petitioner, which is taken on record. According to which the petitioner has suffered incarceration for a period of 2 years 4 months and 5 days. He prays for dismissal of the present petition on the ground that the petitioner is also involved in another case under IPC meaning thereby is habitual offender and the alleged recovered effected in the present case is of 11 kg 500 grams opium, which falls in the commercial quantity.

4. In view of the aforesaid facts and circumstances and considering the custody period undergone by the petitioner i.e. 2 years 4 months 5 days added with the facts that charges have been framed on 08.02.2022 and out of total 15 witnesses only 2 have been examined, which would curtail the right of the petitioner for speedy trial and expeditious disposal, as enshrined under Article 21 of the Constitution of India, as has been discussed by this Court time and again, while relying upon the judgment of the Apex Court passed in **Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131**, this Court is of the considered view no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

6. In view of the discussions made hereinabove, the petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

7. The present petition is allowed in view of afore-said terms.

8. However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

28th AUGUST, 2023
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>