

effected from the petitioner and he is in custody since 09.01.2023. The challan has already been presented in Court, as such he prayed for grant of concession of bail.

3. Per contra, learned State counsel referred to the reply filed by way of affidavit dated 09.10.2023 of Deputy Superintendent of Police, Meham, District Rohtak submits that the petitioner has been nominated in the case on the basis of disclosure statement made by the co-accused Surender Singh s/o Hawa Singh. He submits that the challan has been presented in Court on 07.06.2023 and the case is now fixed for framing of charge. He further submits that 27 witnesses have been cited by the prosecution in the case.

4. After considering the rival contentions and perusing the record it transpires that as per custody certificate the petitioner is in custody since 09.01.2023. It is not disputed that the petitioner was not named in the FIR but has been nominated on the basis of disclosure statement made by the co-accused Surender Singh son of Hawa Singh who was apprehended at the spot by the police and from him the recovery of contraband has been effected.

5. Admittedly no recovery has been effected from the petitioner in this case and after completion of investigation, challan has been presented in Court. There is no other case registered against the petitioner under NDPS Act. The prosecution has cited 27 witnesses in the case and after framing of charges, trial will take sufficient long time and keeping the petitioner behind bars will not serve any fruitful purpose, criminal liability, if any, of the

petitioner will be ascertained after conclusion of trial.

6. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

28.11.2023

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No