

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-45691-2022

Date of Decision: 22.3.2023

Safi Khan

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. M.K.Dhot, Advocate, for the petitioner.
Mr. Sanish Girdhar, AAG, Punjab

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.84 dated 5.7.2022 registered for the offences punishable under Sections 22 of NDPS Act at Police Station Dirba, District Sangrur.

The allegations in nutshell are that the police recovered 600 tablets of Tramadol Hydrochloride from the petitioner on 5.7.2022 and since then, the petitioner is in custody.

Counsel for the petitioner *inter alia* contends that no such recovery of contraband as alleged by the police was ever effected from the petitioner. He further submits that even otherwise, the alleged contraband comes under non-commercial quantity and the petitioner is incarcerated for the last more than 8 months and is having no criminal history. He further submits that the trial is at its initial stage and it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

The present petition is resisted by the State counsel who on instructions from ASI Suresh Kumar contends that 600 tablets of Tramadol Hydrochloride were recovered from the present petitioner on 5.7.2022. However, the State counsel has not disputed the fact that the said contraband comes under non-commercial quantity and that the petitioner is having no criminal history. He apprised the Court that after completion of investigation, challan is presented and charges are also framed but the case is at its initial stage as till date, only one prosecution witness is examined out of total 11 witnesses.

I have considered the submissions made by the counsel for the parties.

As has been stated by the counsel appearing for the State, the present case being covered under non-commercial quantity, embargo provided under Section 37 of NDPS Act is not applicable to the instant case. The petitioner is already in custody for the last more than 8 months and is having no criminal history and it will take time for conclusion of trial. Thus, no useful purpose is going to be served by prolonging the judicial custody of the petitioner for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 22, 2023
Paritosh Kumar