

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51938-2021
DECIDED ON: 30.01.2023

MOHD. SHARIF

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.104, dated 10.10.2021, under Sections 15, 29 of NDPS Act, 1985 registered at Police Station Chhajali, District Sangrur.

Learned counsel for the petitioner contends that the alleged recovery is of 85 KG of poppy husk, though the same is commercial in nature, but he has been falsely implicated in the instant case merely on the basis of a secret information. He has also asserted that the petitioner is not involved in any other case which shows that the conduct of the petitioner amounts to be innocent in the present case as well.

On the other hand, learned State counsel submits that charges were framed by the Court below on 06.05.2022, but no witness has been examined so far. He has also filed the custody certificate which is taken on record. According to the custody certificate, the petitioner is behind the bars

for the last 1 year, 3 months and 17 days.

Looking into the totality of facts and circumstances, this Court is of the considered view that the trial is likely to take some time and no recovery is to be effected and also the fact that the petitioner is not an habitual offender, therefore, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

30.01.2023

Meenu

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