

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M-49773-2022

Date of Decision: 08.05.2023

Suhail Ahmad Bhat @ Suhail

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

1. Short reply dated 08.05.2023 by way of affidavit of Sh. Jagdish Raj, Deputy Superintendent of Police, Sub Division Phillaur, District Jalandhar as well as custody certificate dated 07.05.2023, filed by learned counsel for the State, are taken on record.

2. The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 173 dated 02.07.2022 registered under Section 22 of the NDPS Act at Police Station Phillaur, District Jalandhar (Rural).

3. According to the prosecution story, on 02.07.2022, the petitioner along with his co-accused was apprehended by the police with

conscious possession of 190 bottles of COCREX Cough Syrup 100 ml each, without any permit of licence.

4. Learned counsel, *inter alia*, contends that the petitioner has been falsely implicated in the present case. The petitioner cannot be attributed to the conscious possession of alleged contraband. The moot question qua conscious possession of alleged contraband with the petitioner shall be determined by the trial Court during the course of trial. There is violation of mandatory provisions of law as laid down under Section 42 of the NDPS Act. Petitioner is not involved in any other case. He is in custody since 02.07.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that the petitioner may be released on regular bail.

5. On the other hand learned State counsel vehemently opposed the submissions of learned counsel for the petitioner. However, he fairly conceded the fact that the petitioner is not involved in any other case.

6. Keeping in view the facts and circumstances of the case, period of custody and the fact that petitioner is not involved in any other case, but without commenting anything on merits of the case, the present petition is allowed.

7. Petitioner-Suhail Ahmad Bhat @ Suhail, is ordered to be released on regular bail on his furnishing personal/02 surety bonds, out of which 01 should be a local surety to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. However, the State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act, during the period of bail.

08.05.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No