

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
218-A

CRM-M-50768-2022

Date of Decision: 11.05.2023

Manish Kumar

.... Petitioner

Versus

Union of India

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Dhruv Gupta, Advocate for the petitioner.

Mr. Amit Kumar Goyal, Central Government Counsel
for the respondent-NCB.

ASHOK KUMAR VERMA, J. (ORAL)

1. Custody certificate filed by learned counsel for respondent-NCB, is taken on record.
2. The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in NCB Crime Case No. 17 dated 28.02.2022 registered under Section 20/29/60 of the NDPS Act at Police Station NCB, Chandigarh.
3. As per prosecution story, on 28.02.2022, the petitioner along with his co-accused, namely, Rahul Kumar, was apprehended and 1 kg 250 grams of 'Charas' was recovered from the door panel of the driver side of the car bearing registration No. HP-25-A-4588 (registered in the name of brother of co-accused-Rahul Kumar) being driven by

co-accused- Rahul Kumar, at the relevant time.

4. Learned counsel, *inter alia*, contends that the petitioner has falsely been implicated in the present case. He had nothing to do with the alleged recovered contraband. The petitioner had merely taken lift from co-accused-Rahul Kumar. He has no knowledge about the concealment of alleged contraband in the car. Learned counsel further submits that the petitioner is not involved in any other case under the NDPS Act. The petitioner is in custody since 28.02.2022. 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 petitioner may be released on regular bail.

5. On the other hand, learned counsel for respondent-NCB, vehemently opposed the present petition. However, he fairly conceded the fact that petitioner is not involved in any other case under the NDPS Act.

6. Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that conclusion of trial will take sufficient long time and the fact that petitioner is not involved in any other case under the NDPS Act, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

7. Therefore, the petition is allowed and petitioner-Manish Kumar, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

8. However, the respondent-NCB 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.

11.05.2023
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(ASHOK KUMAR VERMA)
JUDGE

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