

CRM-M-51068-2022 (O&M)
DECIDED ON: 25.01.2023

MOHAMMAD IRFAN

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Gaurav Dutta, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

SANDEEP MOUDGIL, J (ORAL)CRM-2763-2023

Prayer in this application is for placing on record the copy of challan dated 10.11.2022 (Annexure P-5).

Application is allowed, as prayed for.

Copy of challan dated 10.11.2022 is taken on record subject to all just exception as Annexure P-5.

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The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 32, dated 06.08.2022, under Sections 22 and 29 of the NDPS Act, registered at Police Station Thulliwal, District Barnala.

Learned counsel for the petitioner contends that no recovery has been effected from the petitioner. He further submits that recovery of 100 tablets of Celcidal-100 SR has been effected from the possession of the main accused Karamjit Singh and on whose disclosure statement accused Mohammad Anas and Mohammad Fazan have been arrested on 02.09.2022. The alleged recovery from Mohammad Anas is of total 1000 intoxicant tablets of Noxox-N MFD and total 230 intoxicant tablets of Buprisan-N2/0.5 mg whereas the alleged recovery from

Mohammad Fazan is of total 2300 intoxicant tablets of Calidol 100 SR and 3000 loose intoxicant tablets along with 1500 intoxicant tablets of Buprisan-N2/0.5 mg. The assertion is that the name of the petitioner has been surfaced in the present case on the basis of disclosure statement of Mohammad Anas.

It is asserted that the main accused namely Karamjit Singh from whom the recovery of total 500 intoxicating tablets of Celcidal-100 SR has been effected, has already been discharged by learned trial Court on the basis of report of FSL/chemical examiner as the salt found in those tablets does not fall within the ambit of NDPS Act.

Learned State counsel, on instructions from ASI Manjit Singh, submits does not controvert the fact with regard to the discharge of Karamjit Singh and also the factum that no recovery has been effected from the petitioner.

Considering the afore-said facts and circumstances and the period so far undergone by the petitioner i.e. 4 months and 23 days, this Court is of the considered view that no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

25.01.2023
Poonam Negi

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