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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-48757-2023
Date of decision : 30.11.2023

ANWAR @ GANI

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Gurpal S. Sandhu, Advocate for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.120 dated 24th of July, 2023 registered for the offences punishable under Sections 22(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. Custody Certificate of the petitioner has been produced. The same is taken on record.

3. Petitioner was booked after having been found to be in possession of 210 tablets of Tramatrast SR-100. Counsel for the petitioner submits that the same is intermediate quantity i.e. less than commercial quantity and thus rigors of Section 37 of the NDPS Act would not be

attracted. The petitioner is in custody for more than 4 months and 7 days. Challan already stands presented and charges stands framed. Thus there can't be any apprehension that the petitioner shall tamper with the evidence.

4. Per contra, State Counsel opposes the bail plea of the petitioner submitting that the petitioner is a habitual offender having 2 more cases under the NDPS Act, 3 under the IPC and one under Immoral Traffic (Prevention) Act.

5. Responding thereto, counsel for the petitioner submits that those two matters are also *qua* less than commercial quantity.

6. State Counsel does not dispute the same.

7. I have heard counsel for the parties and have gone through records of the case.

8. In view of above, without commenting on the merits of the case, keeping in view the allegation levelled against the petitioner and in the light of incarceration suffered by him, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.

- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cellphone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

10. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

11. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 30, 2023
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No