

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:141124
CRM-M-57059-2022
Date of Decision: November 06, 2023

Vakil Hassan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sandeep Verma, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.74 dated 27.02.2021, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred as 'the NDPS Act'), registered at Police Station City Kharar, S.A.S. Nagar, Mohali. The earlier petition is stated to have been dismissed as withdrawn on 08.02.2022.

2. As per prosecution allegations, 1 Kg. of heroin was recovered from a Wagon R car, wrapped in a plastic bag. The said car was being driven by the petitioner; whereas a Nigerian citizen Emmunuel Ogunbodede Richard was sitting in the car.

3. Learned counsel contends that petitioner has been falsely implicated; that he has nothing to do with the recovered contraband. Learned counsel further contends that petitioner is in custody for the last more than 02 years and 08 months, with no criminal antecedent; that the trial is likely to take long time to conclude.

4. Learned State counsel does not dispute the fact that petitioner has no criminal antecedent. However, the bail petition has been opposed

on the ground that recovered quantity of contraband falls in the commercial category.

5. A perusal of the custody certificate reveals that the petitioner is in custody for the last 02 years, 08 months and 05 days, with no criminal antecedent.

6. It is also informed that out of 21 witnesses cited by the prosecution, only 04 have been examined so far.

7. In the aforesaid circumstances, the rigor of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India providing for the fundamental right of the life and liberty, of which the right of speedy trial forms part.

8. Considering all the aforesaid facts and circumstances of the case, but without commenting anything on the merits of the case, the petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

Allowed.

November 06, 2023

sarita

(DEEPAK GUPTA)
JUDGE

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