

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-58014-2022

Date of Decision:-21.02.2023

Gourav Kumar.

.....Petitioner.

Versus

State of Punjab.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. B.S. Kathuria, Advocate for the Petitioner.

Mr. Shubham Kaushik, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.0127 dated 12.10.2022 under Sections 18 of NDPS Act, 1985 registered at Police Station Cantt. Ferozepur, District Ferozepur.

2. The brief facts of the case are that a secret information was provided to the investigating agency that Gourav Kumar (petitioner) and Rajesh Kumar @ Kala (since granted bail vide order dated 19.12.2022 by Judge, Special Court, Ferozepur) in connivance with each other were smuggling Opium and even on that day both of them while riding a motor cycle were roaming around on the roads waiting for customers to whom they would sell opium.

Based on the aforementioned information, the present FIR

came to be registered. The accused were arrested and recovery of 01 Kg of Opium was effected from them.

3. The Counsel for the petitioner contends that petitioner has been falsely implicated in the present case. Taking the allegations to be correct the recovery of non commercial quantity of contraband has been effected from the petitioner and, therefore, the petitioner could be granted the concession of bail, more so when his co-accused Rajesh Kumar @ Kala has been granted the similar concession vide order dated 19.12.2022 which is placed on record as Mark-A.

4. The learned State counsel on the other hand while opposing the bail application contends that the nature of allegations did not entitle the petitioner to the grant of bail. He however, concedes that the co-accused of the petitioner i.e. Rajesh Kumar @ Kala has been granted the concession of bail as the recovery was of non commercial quantity of contraband.

5. I have heard the learned counsel for the parties.

6. The veracity of the allegations against the petitioner shall be established during the course of the Trial. Taking the prosecution case to be true, non commercial quantity of contraband has been recovered from the petitioner and his co-accused who has been granted the concession of bail. The petitioner is in custody since 12.10.2022. None of the 12 prosecution witnesses have been examined so far. Therefore, as the trial of the present case is not likely to be concluded in the near future, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Gourav Kumar** son of Sh. Rajesh Kumar is ordered to be released on bail subject to her furnishing bail bonds

and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present one.

9. In addition, the petitioner shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 21, 2023
Vinay

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