

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2024:PHHC:007241
CRM-M-1771-2024
Date of Decision: January 19, 2024

Anuj Sharma

...Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Lalit Mohan Chanana, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for his release on regular bail in case FIR No.108 dated 27.08.2022, under Section 21 (Act No.61 of 1985) of the NDPS Act (Section 25, 29 of NDPS Act added later on), registered at Police Station Balongi, District SAS Nagar (Mohali).

2. As per prosecution allegations, 260 grams of heroin was recovered from the possession of co-accused Satyam Kumar Mandal on 27.08.2022. On interrogation, said Satyam Kumar Mandal nominated Joginder Singh @ Sammi, Ravi Thakur and Sonu @ Sandeep. Said Sonu @ Sandeep suffered a disclosure statement, as per which Ravi Thakur along with Anuj Sharma (petitioner) were the supplier. Then from the possession of the petitioner, 50 grams of heroin was recovered.

3. Contention of learned counsel for the petitioner is that petitioner has been falsely implicated; that he is in custody for the last more than 01 year and 04 months; that similarly placed co-accused Ravi Thakur has already been allowed bail by this Court, vide order dated 21.12.2023 passed in CRM-M-45375-2023 (Annexure P-3); that the trial may take time to conclude, so he be allowed bail.

4. Notice of motion.
5. Mr. Hakam Singh, AAG, Punjab accepts notice on behalf of respondent-State.
6. Learned State counsel has placed on record the custody certificate, revealing that the petitioner is in custody for the last 01 year, 04 months and 11 days. He is not involved in any other case pertaining to NDPS Act.
7. It is also not disputed that co-accused Ravi Thakur has already been allowed bail. It is also not disputed by learned State counsel that 50 grams of heroin as recovered from the petitioner in the present case falls in the non-commercial category. It is also informed by learned State counsel that though the challan was presented on 22.02.2023, but even the charges have not been framed so far.
8. Having regard to the aforesaid facts and circumstances, particularly the custody period undergone by the petitioner, 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, on usual terms and conditions.

Allowed.

January 19, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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