

CRM-M-2479-2024 (O&M)

2024:PHHC:067934



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

220

**CRM-M-2479-2024 (O&M)
Date of decision : 15.05.2024**

Ali

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. A.P.S. Rehan, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.101 dated 26.11.2023, registered for the offences punishable under Sections 21(B), 25 and 27-A of NDPS Act, 1985 at Police Station Kalanaur, District Gurdaspur.

2. As per the case of the prosecution, the petitioner alongwith one Juman were apprehended. On checking, 80 grams of heroin was recovered from the petitioner and Rs.200/- was recovered from co-accused Juman.

3. Petitioner is behind bars for more than 05 months and 17 days.

4. Counsel for the petitioner submits that the contraband recovered from the petitioner is of intermediate quantity and thus rigors

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of Section 37 would not be attracted. However, the bail plea is opposed by State counsel to submit that it is a case of Section 27-A of the NDPS Act as drug money has been recovered and thus rigors of Section 37 of NDPS Act would be attracted. State counsel however points out that the petitioner is facing another FIR under NDPS Act i.e. FIR No.124 dated 24.07.2023.

5. Faced with the situation, counsel for the petitioner submits that in the said matter, recovery of 3 gms of heroin was made from the co-accused and the petitioner was nominated on the disclosure made by co-accused by resorting to Section 29 of the NDPS Act. Further submits that in the present case also even that the prosecution is believed, no drug money has been recovered from the petitioner.

6. Without going into the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that co-accused Juman stands released on bail vide order dated 16.04.2024 passed in CRM-M-7593-2024, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. 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 cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. 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.

8. Ordered accordingly.

9. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

15.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No