

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213 CRM-M-4962-2024
Date of Decision.:19.04.2024

Ram Raj ThakurPetitioner
Vs.
State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Harish Sharma, Advocate
for the petitioner.

Mr. Baljinder Singh, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.27 dated 05.04.2023 registered under Sections 18C/61/85 of NDPS Act registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

2. As per prosecution allegations, co-accused Sanjay Kumar was apprehended on 05.04.2023 and recovery of 07 Kg of opium was effected from him. During interrogation said Sanjay Kumar suffered disclosure statement as per which he had purchased the contraband from petitioner Ram Raj Thakur. Petitioner was arrested and during interrogation he suffered disclosure statement admitting to have sold 07 Kg of opium to Sanjay Kumar and also got recovered another 10 Kg of opium from his residence.

3. Learned counsel for the petitioner contends that petitioner has

been falsely implicated. Recovery is shown to have been effected from the residence of the petitioner in Nagaland; that local police of Nagaland was not joined at the time of recovery nor any independent witness was joined. Learned counsel also drawn attention towards the two FSL reports Annexure P-2 & P-3 in order to contend that in case petitioner had allegedly sold the opium to co-accused Sanjay Kumar from the same lot, the quantity of Morphine would have been same but it is not so as per the FSL reports. Learned counsel also contends that petitioner is in custody for the last approximately 01 year and that he is not involved in any other case and so, he be allowed bail.

4. Learned State counsel has opposed the bail petition by pointing out that recovery of contraband falling in the commercial category was effected from the petitioner and that he had also sold the contraband to co-accused Sanjay. However, learned State counsel concedes that petitioner has no other criminal case pending against him. As per the custody certificate placed on record, petitioner is in custody for the last 11 months and 29 days i.e. almost 01 year. The status report also reveals that although 09 witnesses have been cited by the prosecution at the time of filing challan but not even a single witness has been examined so far. Thus, trial is likely to take long time to conclude.

5. Having regard to the above facts and circumstances, when petitioner is first time offender and trial is not proceeding further which is likely to take long time conclude, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to

bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

April 19, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No