

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-5781-2024
Date of decision : 22.03.2024

Atul Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Manoj R. Sharma, 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.197 dated 31.10.2023, registered for the offence punishable under Section 18(b) of NDPS Act (Section 27-A added later on) at Police Station Dinanagar, District Gurdaspur.
2. As per prosecution, the petitioner was apprehended on 31.10.2023 by the patrolling party on suspicion. Search of motorcycle he was riding led to recovery of 500 gms of opium alongwith Rs.4000/- from the tool box. Petitioner is behind bars since then.
3. Counsel for the petitioner submits that there is no evidence that the amount of Rs.4,000/- alleged to have been recovered from the petitioner is related to drugs to call it drug money and thus to book the petitioner for offence punishable under Section 27-A of 1985 Act. He further submits that keeping in view the quantity of the contraband

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alleged to have been recovered from the petitioner which is less than commercial, rigors of Section 37 of the Act would not be attracted.

4. Investigation stands concluded, challan stands presented, most of the witnesses are official witnesses and thus there cannot by any apprehension that the petitioner shall tamper with the evidence.

5. Counsel for the State however opposes bail plea on the ground that there are serious allegations against the petitioner and the petitioner is facing another FIR under Section 379 of IPC. Counsel the petitioner submits that the petitioner stands acquitted in the said FIR.

6. Keeping in view the nature of allegation, the quantity involved and the fact that the challan already stands presented, 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

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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.

(PANKAJ JAIN)
JUDGE

22.03.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No