

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-8581-2024 (O&M)
Date of Decision:- 02.05.2024

Mohsin Ansari ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjeev Kumar, Advocate, for the petitioner.

Mr. I.P.S.Sabharwal, DAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
133	13.4.2021	City Kharar, SAS Nagar	21 of NDPS Act and Section 25 of Arms Act (Section 29 of NDPS Act added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The allegations, in nutshell are that the petitioner was found in possession of 1 kg of ‘Heroin’ and .315 bore country made pistol.
3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case. It has been submitted that the petitioner has been behind bars since the last more than 3 years and till date no substantial progress has been made in the trial.

4. Opposing the petition, learned State counsel has submitted that since the petitioner was found in conscious possession of ‘commercial quantity’ of contraband, no case for grant of bail is made out. It has been informed that the petitioner stands involved in two more cases registered under Section 52-A of Prison Act and Section 370 IPC and 67 of I.T. Act. It has been however, been informed that the petitioner, as on date, has been behind bars since the last more than 3 years. Learned State counsel has further informed that, in the present case, 3 out of cited 17 PWs have been examined.
5. This Court has considered rival submissions.
6. Since the petitioner seeks grant of bail mainly on account of long custody, it is apposite to refer to a few judgments of Hon’ble Supreme Court in this regard wherein Hon’ble Supreme Court has granted the concession of bail solely on ground of long custody:

Case Number	Date of Decision	Title of Case	Period which the accused had undergone when granted bail by Hon’ble Supreme Court.
Criminal Appeal No. 245/2020	07.02.2020	Chitta Biswas @ Subhas Vs. the State of West Bengal	1 year and 7 months
Criminal Appeal No. 668/2020	12.10.2020	Amit Singh Moni Vs. State of Himachal Pradesh	2 years and 7 months
Special Leave to Appeal (Crl.) No. 5769/2022	01.08.2022	Nitish Adhikary @ Bapan Vs. the State of West Bengal	1 year and 7 months
Special Leave to Appeal (Crl.) No. 4173 of 2022	04.08.2022	Shariful Islam @ Sarif Vs. the State of West Bengal	1 year and 6 months
Criminal Appeal No.	05.08.2022	Gopal Krishna Patra @ Gopalrusma Vs. Union	2 years 1 month and 17 days

1169 of 2022		of India	
Special Leave to Appeal (Crl.) No. 5530-2022	22.08.2022	Mohammad Salman Hanif Shaikh Vs. the State of Gujarat	About 2 years
Criminal Appeal No. 2027-2022	22.11.2022	Karnail Singh Vs. The State of Odisha	1 Year and 8 months
Special Leave to Appeal (Crl.) No. 8653-2022	25.11.2022	Karim Adaldar Vs. The State of West Bengal	10 months

7. Hon’ble Supreme Court in yet another judgment dated 25.01.2023 arising out of SLP No.6690-2022 titled Dheeraj Kumar Shukla Vs. State of Uttar Pradesh has granted bail in a case registered under the NDPS Act where the accused alongwith co-accused was found in possession of ‘commercial’ quantity of *Ganja* and had been behind bars since the last two and a half years while observing that in the absence of any criminal antecedents, the conditions of Section 37 of the NDPS Act could be dispensed with at that stage, particularly when there was delay in conclusion of trial.
8. Keeping in view the totality of the facts and circumstances of the case particularly the long custody of the petitioner i.e more than 3 years and the fact that only 3 out of cited 17 PWs have been examined so far, the petition merits acceptance and is hereby accepted.
9. The petition, as such, is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. It is, however, directed that in case the petitioner is found to be indulging in similar offence again, the prosecution would be at liberty to move an application for cancellation of bail before this Court.

02.05.2024

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(GURVINDER SINGH GILL)

JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No