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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-9290-2024 (O&M)
Date of Decision: 18.03.2024

Yaseen Khan ...Petitioner

V/S

Union of India and another ...Respondent

CORAM: HON’BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Rahul Jaswal, Advocate
for the petitioner.

Mr. Tejashwar Singh Sullar, Central Govt. Counsel
for NCB-respondent No.1.

Mr. Pardeep Bajaj, DAG Punjab.

DEEPAK MANCHANDA J. (ORAL)

Instant petition has been filed under Section 439 Cr.P.C. seeking regular bail in the case bearing FIR/NCB Crime No.13 dated 06.06.2023 registered under Sections 8/18/23/29 of **Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – NDPS Act)** at Police Station NCB, Chandigarh.

Brief facts of the facts are that on receipt of secret information, the respondent No.1 NCB registered a complaint on 06.06.2023. On receiving the secret information, a team of NCB officers was prepared and reached in Ludhiana at DHL Express Office and thereafter, the NCB team opened the consignment in which 5 clothes were found and out of which the

lower stitched portion (border area) of one cloth was opened and one packet containing dark brown coloured substance flexible in physical nature was retrieved from it and after testing the same, opium was found and on weighing, it came out to be 0.047 Kg.

Learned counsel for the petitioner contends that petitioner is an innocent person and is not connected with the commission of alleged offence so as to attract the provisions of Narcotic Drugs and Psychotropic Substances Act. He further contends that the police have implicated the petitioner in the alleged offence just to save the real culprit, as otherwise, there is no evidence to prove that the petitioner had kept the alleged quantity of narcotic drugs except the disclosure statements before the police. Learned counsel submits that the petitioner is in custody since 03.11.2023, challan has already been presented before the trial Court and nothing is required to be recovered from the petitioner. He further submits that trial of the case will take sufficient long time to conclude, therefore, no useful purpose will be served by keeping the petitioner behind the bars for an indefinite period during trial. He submits that the alleged recovery is small quantity of 0.047 kgs opium.

On the other hand, learned State Counsel has opposed the aforesaid prayer. He however, admits that the investigation in the present case has been completed and the challan has been presented and charges are yet to be framed. In the present case, the petitioner is in custody since 03.11.2023.

I have heard the learned counsel for the parties and gone through the entire case file. The investigation of the case has been completed and challan stands presented. No other criminal case has been registered against

the petitioner. The conclusion of the trial would take considerable time to conclude and no useful purpose would be served by keeping the petitioner in further incarceration.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, if not required in any other case.

The petition is allowed.

18.03.2024
sapna

(DEEPAK MANCHANDA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>