



218

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13120-2024 (O&M)
Date of decision: 29.08.2024

Mohd. Ramzan ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Imran Rafooqi, Advocate
for the petitioner.

Mr. Sahil K. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.44 dated 12.07.2020, Under Section 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Maloud, District Khanna, Punjab.
2. Learned counsel for the petitioner submits that earlier the petitioner was granted the relief of regular bail by the trial Court vide order dated 06.08.2020 (Annexure P-2). However, thereafter he failed to cause appearance before the learned trial Court concerned, which led the trial Court to declare the petitioner as a proclaimed offender, on dated 21.12.2023. Thereafter, he was arrested in the instant matter on dated 19.01.2024, and till date he is behind bar. He further submits that only a recovery of 15 Kg. of poppy husk was affected from the present petitioner,

which falls within the ambit of non-commercial quantity. Finally, it is



submitted that the petitioner has suffered incarceration about 08 months as on date.

3. Learned State counsel opposed the grant of regular bail to the petitioner, and submits that the petitioner was earlier declared as a proclaimed offender. He further submits that he is involved in one other case, although in which he has drawn acquittal. He informs this Court that out of total 12 prosecution witnesses cited in final report, four witnesses have been examined, four witnesses have been given up, and one witness has died, and now only three witnesses remained to be examined.

4. Be that as it may, considering the fact that the petitioner suffered incarceration about eight months as on date and the recovery effected is falling within the ambit of non-commercial quantity, therefore, in view of the above facts and circumstances recorded above, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

5. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

6. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

29.08.2024
Satyawar

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No