

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12901-2024
Decided On: 15.04.2024

RAVI MOHAMMADPETITIONER(s)

Versus

STATE OF PUNJABRESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ilyas Khan, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J.(Oral)

1. The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.390 dated 21.12.2023 under Section 15/61/85 of NDPS Act (Section 29 NDPS Act added later on) registered at Police Station Dera Bassi, District SAS Nagar.
2. Learned counsel for the petitioner *inter alia* contends that petitioner’s false implication in the instant case is evident from the fact that he was not present with the co-accused Ravi Chander from whom the recovery of 80 kgs of poppy husk was allegedly affected. Learned counsel submits that the petitioner has clean antecedents and came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Ravi Chander, who stated that the petitioner was a supplier of the contraband allegedly affected from him. Learned counsel has asserted that the evidentiary value of the disclosure statement on the basis of which the petitioner has been nominated as an accused in the present case is of a weak nature and all this requires to be appreciated from the fact that he has clean antecedents and is not involved in

any other criminal case, much less under the NDPS Act.

3. Learned State counsel has produced the custody certificate of the petitioner in Court today, which is taken on record. Copy of the same has also been furnished to the counsel opposite.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner, on instructions, has not disputed that the petitioner was not present when the recovery of 80 kgs of poppy husk was made from co-accused Ravi Chander. He, however, submits that during his interrogation, name of the petitioner surfaced leading to the petitioner being arrested on 24.12.2023; on being arrested a recovery of 1 kg of poppy husk (small quantity) was then affected from the conscious possession of the petitioner.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. Concededly, neither was the petitioner accompanying the co-accused Ravi when the alleged recovery of 80 kgs of poppy husk was made nor was any information received by the police qua his involvement in drug trafficking. The petitioner came to be nominated as an accused only in the disclosure statement allegedly suffered by co-accused Ravi. The petitioner is not stated to be involved in any other criminal case, much less under the NDPS Act.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

8. However, it is made clear that anything observed hereinabove shall

not be construed to be an expression of opinion on the merits of the case.

9. Needless to add here, in case, the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

15.04.2024

Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No