

Date of Decision : 10.01.2024

...Petitioner

....Respondent

[3] As per prosecution allegations, the petitioner was apprehended on 11.06.2022, while moving on a scooty, on the basis of a secret information. From a polythene bag kept under the seat of the scooty, 930 grams of heroin was recovered.

[4] It is contended by learned counsel for the petitioner that petitioner has been falsely implicated in the case; that he is not involved in any other case and he is in the custody for the last 01 year and 07 months and not even a single witness has been examined so far and the trial may take time to conclude, so he be allowed bail.

[5] By opposing the bail petition, learned State Counsel has drawn attention towards the commercial category of the contraband recovered from the petitioner. However, it is conceded that out of 22 witnessed cited by the prosecution, not even a single witness has been examined so far.

[6] Heard.

[7] As per the custody certificate, placed on record, petitioner is in custody for the last 01 year and 07 months. He is not involved in any other case, pertaining to the NDPS Act. Though, the charges were framed on 22.02.2023 as informed by the learned State Counsel but not even a single witness has been examined so far out of the 22 witnesses cited by the prosecution and thus trial is likely to take long time to conclude.

[8] Having regard to the long incarceration in custody of the petitioner in the present case and the fact that trial is not likely to be concluded, the rigors of Section 37 of the NDPS Act are required to be balanced with Article 21 of the Constitution of India providing for fundamental right of life and liberty, of which, speedy trial is one of the facet.

[9] Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

10.01.2024
'Rajneesh'

Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No