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2024:PHHC:048859

CRM-M-16699-2024
Date of decision : 10.04.2024

Versus

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Mr. Mohit Kapoor, Sr. DAG, Punjab.

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.301 dated 28.11.2019 registered for the offences punishable under Sections 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Patran, District Patiala.

3. As per the prosecution the petitioner was apprehended and found to be in illegal possession of 540 tablets of Alprazolam total amounting to 64.8 grams.

The petitioner was earlier granted bail however he lost track of the trial in

view of Covid 19 Pandemic and was declared as Proclaimed Offender on 18th of May, 2023. He was rearrested on 30th of August, 2023 and thereafter also he has undergone actual custody of more than 7 months and 13 days. Despite the fact that the challan was presented in the year 2020 and even after rearrest the petitioner has undergone actual custody of more than 7 months, no prosecution witness has been examined till date.

5. Bail plea is opposed by State Counsel by submitting that the conduct of the petitioner does not merit bail. Not only he is involved in two more cases rather in the present case also he was declared as Proclaimed Offender.

6. Having heard rival contentions of counsels representing the parties and after going through records of the case, without commenting on the merits thereof, keeping in view the incarceration already suffered by the petitioner and the nature of the allegations, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.

- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 10, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No