

4. Be that as it may, as far as the argument of learned State counsel with regard to the disclosure statement of the co-accused is concerned, there is no iota of evidence produced by the prosecution in the investigation, which could be shown to this Court that the co-accused have purchased the said contraband from the petitioner. Apart from the fact that the petitioner is behind bars for the last 11 months and 29 days, the investigation is complete, challan stands presented on 06.11.2023 wherein, the prosecution has cited 13 witnesses meaning thereby, conclusion of trial shall take considerable time, this Court is of the considered view that no fruitful purpose would be served by detaining the petitioner behind bars for an indefinite period, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India and also against the basic principle of criminal jurisprudence i.e “Bail is a rule, jail is an exception” as elucidated in the judgement of Apex Court in “***Dataram Singh vs. State of Uttar Pradesh and another,, (2018) 3 SCC 22***”.

5. In view of the discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

6. The present petition is, hereby, allowed.

7. However, anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

06.05.2024

Sham

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