

CRM-M-24569-2024
Decided on : 28.08.2024

..... Petitioner

Versus

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.S.Prajapati, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.34 dated 29.03.2024 under Sections 22(B) and 27(A) of NDPS Act, 1985 registered at Police Station Kalanaur District Gurdaspur.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, which is evident from the version brought-forth by the prosecution itself. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, it has been submitted that although as per the version put-forth, a secret information was received qua the involvement of all the accused including the petitioner in drug trafficking, however, it was co-accused Ravi Masih, who on seeing



the police, had allegedly thrown the bag containing 200 loose intoxicant tablets. It has been further argued by the learned counsel that the petitioner, on being apprehended by the police, was not found to be in possession of any narcotic substance much less drug money, which even as per the prosecution has been recovered from co-accused Kisal. Learned counsel has also submitted that in the aforementioned facts and circumstances, more so, when the petitioner has no criminal antecedents, further incarceration of the petitioner would serve no useful purpose as trial would take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to dispute that when the petitioner was apprehended by the police, no recovery of any narcotic substance or drug money was affected from him. It has also not been disputed by the learned State counsel on further instructions that the recovery of narcotic substance and drug money was affected from co-accused Ravi Masih and Kisal respectively. However, it has been reiterated by the learned State counsel that the petitioner was present with the co-accused at the time of alleged recovery.

4. On a further query, learned State counsel, on instructions, has not disputed that the petitioner is not involved in any other criminal case.



5. I have heard learned counsel for the parties and perused the material placed on record.
6. The petitioner has been in custody since 29.03.2024. The investigation in the case in hand is complete as challan stands presented. As not disputed by the learned State counsel, no recovery of any narcotic substance or drug money has been affected from the petitioner.
7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

28.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

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