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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-33921-2024 (O&M)
Date of Decision:- 11.12.2024

AZIMUNSHAN KHAN LODI

Versus

....Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Satnam Singh Gill, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Short reply dated 06.11.2024 already filed in the form of an affidavit of Deputy Superintendent of Police, Circle Ghanaur, District Patiala is ordered to be taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
174	11.12.2023	22 and 29 of the NDPS Act	Shambu, District Patiala

4. It is, *inter alia*, contended by learned counsel for the petitioner

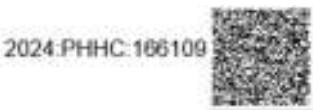


that the petitioner is innocent and has been falsely implicated in this case on the basis of alleged disclosure statement made by co-accused Arbaz. He contends that petitioner has no concern whatsoever with the alleged transaction nor any recovery has been effected from him. He further contends that the petitioner is not involved in any other case and he is in custody since 07.12.2023. He submits that after the completion of investigation, challan has been presented in Court and the charges have not yet been framed, thus the conclusion of trial will take sufficient long time. Hence, prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the short reply filed by the State has opposed the petition on the ground that the name of the petitioner has surfaced in the disclosure statement of co-accused Arbaz, from whom commercial quantity of contraband had been recovered. He has, however, not disputed that challan has been presented in Court and charges have not yet been framed and the prosecution has cited 13 witnesses.

6. Heard learned counsel for the parties and perused the record.

7. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution co-accused Arbaz was apprehended by the Police and recovery of 800 intoxicant tablets of Alprazolam and 4800 intoxicant tablets of Lomotil was effected from him. During interrogation, he disclosed the name of the petitioner to be the supplier of the contraband. Admittedly, the petitioner is in custody since 07.12.2023 and as per the custody certificate filed by the State, the petitioner is not involved in any other case. After the completion of investigation,



challan has been presented in Court, however, charges have not yet been framed. The prosecution has cited 13 witnesses and the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

8. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

11. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

11.12.2024

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No