



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-34705-2024

Date of decision: November 27th, 2024

Ravi Masih

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. J.S. Mehal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Senior Deputy Advocate General,
Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

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

2. Learned counsel for the petitioner contends that the false implication of the petitioner is evident from the fact that the alleged recovery of 200 loose intoxicant tablets (intermediate quantity) was not affected from the conscious possession of the petitioner but from a polythene bag, which was lying on the road. Learned counsel has submitted that petitioner's false implication in the present case is also evident from the fact that he has no previous criminal antecedents much less every being involved in a case under the NDPS Act. A prayer has, therefore, been made for enlarging the petitioner on bail as co-accused

Sukhmanjit Singh, who was also allegedly apprehended along with the

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petitioner, has since been granted bail by this Court vide order dated 28.08.2024.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that after the petitioner was arrested on 29.03.2024, not only has the challan been presented but even charges framed on 19.10.2024. However, learned State counsel submits that a specific secret information had been received qua the involvement of all the accused including the petitioner in drug trafficking; the petitioner on seeing the police, had thrown away the bag containing the recovered contraband. Learned State counsel, on further instructions, has not disputed that the petitioner has no previous criminal antecedents.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The investigation in the present case is complete and even charges stand framed. As many as seven witnesses have been cited by the prosecution, who are yet to be examined. Therefore, the trial is unlikely to conclude in the near future. The alleged recovery affected has been classified as intermediary under the NDPS Act.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.



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7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

November 27th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No