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furthermore, the petitioner has no criminal antecedents, much less being involved in any other case under the NDPS Act. Learned State counsel has also not disputed the stage of trial as not only challan stands presented but even charges framed. On a further query, it has been conceded on instructions that none of the 21 prosecution witnesses have been examined till date.

4. Learned counsel for the petitioner has reiterated her submissions that the petitioner could not have been possibly aware about the contents of the packet sent through courier by J.K.Pharma to his courier agency, as firstly, it was received in a sealed and intact condition, and secondly, the role of the petitioner was limited to being a franchise-holder of the Courier Company. Learned counsel has, therefore, prayed that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose as not even a single prosecution witness out of 21 cited has been examined in the preceding months and the case has been adjourned repeatedly on account of the repeated absence of the prosecution witnesses, who are all police officials.

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

6. The petitioner has been in custody since 26.04.2023. The investigation in the case in hand is complete as challan stands presented and even charges framed. The trial has not progressed



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further after the charges were framed on 20.10.2023, as none of the 21 witnesses cited by the prosecution have been examined till date.

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.

09.09.2024
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(MANJARI NEHRU KAUL)
JUDGE

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