

**CRM-M-47495-2023****-2-**

picked up from his house and was falsely implicated in the present case. When the petitioner approached the learned Judge, Special Court, Mansa, he was granted interim bail vide order dated 17.12.2021 (Annexure P-1) till the report of Chemical Examiner was not received. However, on receipt of such report, vide order dated 23.05.2022 (Annexure P-2), his bail was cancelled and bailable warrant of the petitioner was issued. It was further contended by learned counsel for the petitioner that meanwhile, the petitioner was also falsely implicated in case FIR No.37 dated 14.05.2022, under Sections 22-C/61/85 of the NDPS Act, registered at Police Station Kot Fatta, District Bathinda and was confined in Central Jail, Bathinda. So, he was ordered to be produced in the present case through production warrant, vide order dated 07.07.2022 (Annexure P-3). It has further been contended that the petitioner is behind bars from the last more than one and half years and there is no progress in the trial. Another co-accused namely Amandeep Singh @ Bagga has been granted concession of regular bail by a Co-ordinate Bench of this Court vide order dated **09.10.2023** passed in **CRM-M-35179-2023**. Challan in the present case has already been presented and the trial is likely to take a long time to conclude. Therefore, it has been prayed that the petitioner be released on bail.

4. On the other hand, learned State counsel has opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner has been found to be involved in drug trafficking along with other co-accused, which is a serious offence. Therefore, he is not entitled to bail.

5. I have heard the arguments advanced by learned counsel for the



petitioner and learned State counsel.

6. It is apparent from the record that apart from the present case, the petitioner is involved in another case under the NDPS Act. However, this Court finds support from a judgment of Hon'ble Supreme Court, passed in case titled **Maulana Mohd. Amir Rashadi vs. State of U.P. and another** reported as **2012 (1) RCR (Criminal) 586**, wherein bail was opposed on the ground that the accused therein was a habitual criminal and was facing trial in a number of cases. However, the objection was rejected.

7. Keeping in view that culpability of the petitioner shall be decided during trial, completion of trial would take a long time and co-accused has also been granted regular bail, this Court is of the view that no useful purpose would be served by further detention of the petitioner as long incarceration at the stage of trial defeats purpose of law. So, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. The petitioner shall also abide by the following conditions :-

1. *The petitioner shall surrender his passport and shall not leave the country without the prior permission of the Trial Court.*

2. *The petitioner shall give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change his mobile number during pendency of the case.*

3. *The petitioner shall not change his residence without prior intimation to the concerned Police Station and the Trial Court.*
4. *The petitioner shall appear before the Trial Court on each and every date of hearing.*

8. However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

9. Pending applications, if any, shall stand disposed of along with the present petition.

November 12, 2024
monika

(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>