



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 45952 of 2024 (O&M)
Date of Decision: 27.11.2024

Jan Mohammad @ Jan Muhammad
..... Petitioner
Versus
State of Punjab
..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. G.S. Verma, Advocate, for the petitioner.
Mr. Eklavya Darshi, Deputy Advocate General, Punjab
for the respondent.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present (Third) petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No.07 dated 05.02.2023, under Section 22 of NDPS Act, registered at Police Station Mehtiana, District Hoshiarpur (Punjab), wherein he has been implicated against the alleged recovery of 210 grams of intoxicant powder containing salt *Alprazolam*.

[2] Learned counsel for the petitioner submits that the custody of petitioner is more than one year and four months and the trial of case will take long time, besides it, nothing is to be recovered from him, thus, no useful purpose would be served to detain him in the custody. He, thus, prays for concession of regular bail to the petitioner.

[3] Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner, while referring to the recovered contraband

which falls under the commercial quantity; thus, submits that he does not deserve the concession of regular bail.

[4] I have heard learned counsel for the parties and gone through the paper-book and find substance in the submissions made on behalf of the petitioner.

[5] In the present case, the petitioner is in custody for the last more than one year and four months; investigation already stands concluded with the filing of challan; out of total nine prosecution witnesses, four have been given up, two stands examined, while three are yet to be examined; thus, the conclusion of trial may take some time, and moreover, admittedly, the petitioner is not involved in any other case falling under the NDPS Act. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

[6] In view of the above, but without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is **allowed** and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the Trial Court / Illaqa Magistrate / Duty Magistrate concerned.

[7] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

November 27, 2024

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(HARKESH MANUJA)

JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No