

**215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Neutral Citation No. 2024:PHHC:019917
CRM-M-50407-2023 (O&M)
Date of Decision: February 13, 2024**

Raheesh Ahmed

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Chandan Singh Rana, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in a case arising out of FIR No.114 dated 05.05.2023, under Section 15 (Act No.61 of 1985) of the NDPS Act, registered at Police Station Sahnewal, District Ludhiana.

2. As per prosecution allegation, while patrolling on 05.05.2023, the petitioner was apprehended, while travelling on a motorcycle and a plastic bag kept on the fuel tank between his legs, was recovered. The said plastic bag was containing 35 Kg. of poppy husk. On interrogation, petitioner suffered disclosure statement, which resulted in recovery of 19 Kg. more of the poppy husk. Thus, total quantity of contraband of poppy husk as recovered from the petitioner is 54 Kg.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that 54 Kg. is the total weight without deducting the weight of the bags. Even otherwise, the recovered quantity of contraband is marginally higher than the commercial category. Learned counsel for the petitioner further contends that petitioner is in custody for the last more than 09 months; that charges have not been framed so far, so the petitioner be allowed bail.

4. Learned State counsel does not dispute the aforesaid contention to the effect that investigation is complete and even the charges have not been framed till date. Learned State counsel has opposed the bail petition on the ground that the recovered quantity of contraband falls in the commercial category.

5. Custody certificate placed on record would reveal that the petitioner is in custody for the last 09 months and 10 days. Though, he is involved in two more cases, but both of them pertain to Excise Act. Thus, petitioner is not involved in any other case pertaining to the NDPS Act. The charges have not been framed till date, thus the trial may take long time to conclude.

6. Having regard to the aforesaid facts and circumstances, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

February 13, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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