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

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Date of Decision:- 23.09.2024

Mohammad Julafkar alias Faruki

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mohd. Yousaf, Advocate
for the petitioner.

Mr. Gautam Thapar, AAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner Mohammad Julafkar alias Faruki has filed regular bail petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 109 dated 30.07.2023 under Sections 22/29 of NDPS Act, 1985 and under Section 25 of Arms Act, registered at Police Station City-1, Malerkotla, District Malerkotla.

2. Facts of the case are on 30.07.2023, SI Surjit Singh and police party was present under bridge of Jarag Chowk of Malerkotla in connection with checking of vehicle and suspicious persons. At about 04:00 PM, he received secret information that Yasin alias Bhalwan, Yamin, Mohammad Jahid alias Aashif and Mohammad Julafkar alias Faruki are habitual of selling heroin and other intoxicant tablets which they bring from outside. They are also having illegal weapon. On that day, they were sitting in graveyard opposite Dargaah of Baba Bodle Shah and were waiting for



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customers. On the basis of this information, raid was conducted and at about 04:30 PM, aforesaid accused persons were apprehended on the spot. From the possession of Yasin @ Bhalwan, 32 bore pistol was recovered and from polythene bag 1000 intoxicant tablets make NRX Tramadol Prolonged-release Tablets IP 100 mg CELCIDALE were recovered, which were taken into police possession.

3. Learned counsel for petitioner argued that he is falsely implicated in this case. Allegations are without any basis. False recovery is planted on him. No proper investigation was carried out under the provisions of NDPS Act. His regular bail petition has been declined by the trial Court vide order dated 18.09.2023, Annexure P-3. Learned counsel for petitioner has also placed on record certain photographs Annexures P-1 to P-3 to support his arguments regarding false implication. He will abide by the terms of bail order. Therefore, his regular bail petition may be allowed.

4. Learned counsel representing State filed detailed status report, taking the stand that it is a case of recovery of commercial quantity of contraband. Allegations are specific and serious in nature. Petitioner was one of the accused arrested on spot. It is further pointed out that challan has already been presented on 22.01.2024. However, charge-sheet is yet to be framed. Therefore, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. Present petitioner alongwith co-accused was apprehended from the spot on the basis of secret information and from the possession of one of accused Yasin alias Bhalwan, 32 bore pistol was recovered and from their possession a polythene bag containing 1000 intoxicant tablets make NRX

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Tramadol Prolonged-release Tablets IP 100 mg CELCIDALE was recovered. Considering the specific allegations and quantity of contraband, I do not find a fit case for grant of regular bail to petitioner - Mohammad Julafkar alias Faruki and petition filed by him is accordingly dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

23.09.2024

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(AMARJOT BHATTI)

JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No