



CRM-M-52532-2023(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52532-2023 (O&M)

Date of Decision:- 29.07.2024

Mohd. Nadeem @ Raja

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Gurbir Singh Sidhu, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

CRM-29976-2024

This is an application filed under Section 482 Cr.P.C. for placing on record copies of orders passed in CRM-M No. 34078 of 2023, Annexure P-4.

For the reasons enumerated in application, same is allowed. Accompanied document Annexure P-4 is taken on record, subject to just exceptions.

Main case

The petitioner – Mohd. Nadeem @ Raja has filed instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 14 dated



03.02.2023, under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sandaur, District Malerkotla.

2. Brief facts of case are on 03.02.2023, SI Surjit Singh was present along with police party, when he received secret information at about 04:30 PM, on the basis of which naka was organized and a car i.e. Swift Dzire bearing Registration No. PB-13-AY-4249 was stopped from which Jahid Ali and Mohd. Nadeem were apprehended and from footwell, a polythene bag was recovered from which 25 intoxicant vials, make WINCIREX Cough Syrup and 20 gram of chitta/heroin were recovered. On the basis of this recovery, present FIR was registered.

3. Learned counsel for petitioner argued that he was falsely implicated in this case. In-fact, he was wrongly picked up and falsely involved in serious offence. He is also relying upon one CCTV footage, Annexure P-3. Challan in this case is already presented. Charge-sheet has been framed and only one prosecution witness has been examined. He is ready to abide by terms of bail order. Therefore, he may be released on regular bail.

4. Bail application is opposed by learned counsel representing the State. As per status report, recovery effected from accused falls in commercial quantity. Challan is already presented in Court. He is also involved in two other FIRs i.e. FIR No. 121 dated 12.12.2013, under Sections 324/323/427/148/149 of IPC, Police Station City-Malerkotla and FIR No. 106 dated 09.04.2018, under Sections 21/61/85 of NDPS Act,



CRM-M-52532-2023(O&M) -3-

Police Station GRP, Sangrur. Considering the gravity of offence, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. As referred above, it is a case of recovery of contraband falling in commercial quantity. Present petitioner is specifically named. He is raising his defence that co-accused Jahid @Baba was already in police custody on 01.02.2023 and there is CCTV footage in this regard i.e. Annexure P-3. So far as defence raised by learned counsel for petitioner is concerned, that can be considered at the stage of leading evidence. Charge-sheet has been framed on 02.09.2023 for the recovery of contraband as referred above, falling in commercial quantity. One prosecution witness has been examined. Considering the stringent provisions of Section 37 of NDPS Act, I do not deem it appropriate to release present petitioner Mohd. Nadeem alias Raja on bail, at this stage. Therefore, his regular bail petition is dismissed.

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

29.07.2024
lalit

(AMARJOT BHATTI)
JUDGE

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