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3. On the other hand, learned State counsel has opposed the bail application by arguing that the name of the petitioner has figured in disclosure statement of the accused Manjot Kaur and even one more NDPS case is already registered against him. Hence, prays for dismissal of the bail application.

4. Considering the rival contention and perusing the record, it transpires that admittedly the petitioner is not named in the FIR but was nominated on the basis of disclosure statement of Manjot Kaur, who was apprehended while carrying in her possession 52 grams of heroin (non-commercial quantity). Consequent upon his arrest on 05.06.2023, no recovery has been effected from the petitioner. So far as the other case registered against the petitioner is concerned, it is not disputed that even no recovery was effected from the petitioner and he is on bail in that case. The challan has already been presented in Court wherein the prosecution has cited 13 witnesses but none has yet been examined. The conclusion of trial, to ascertain criminal liability if any of the petitioner, will take sufficient long time and considering the fact that no recovery has been effected from him, it is observed that no purpose would be served by detaining the petitioner in custody any longer.

5. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave

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the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

28.02.2024  
kanika

(SANJIV BERRY)  
JUDGE

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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |