

**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-52417-2024**

Date of Decision: 28.10.2024

Neeraj Kumar @ Sikandar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vinod K. Kaushal, Advocate and
Mr. Charitar Kadyan, Advocate for the petitioner.
Mr. J.S.Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.105 dated 31.05.2021 under Section 27 of NDPS Act, 1985 (Offence under Sections 61, 85 of NDPS Act added lateron) registered at Police Station Sadar Majitha Road, District Police Commissionerate Amritsar, Amritsar.

2. As per facts of the case, on 31.05.2021 police party while on patrolling, spotted two persons, who were inhaling smoke with silver panni. Police suspected that they were consuming some intoxicant. On asking they disclosed their names as Manpreet Singh @ Mon and Neeraj Kumar (petitioner). The petitioner was found to be in possession of silver panni stained with heroin in a note of Rs.10 and a lighter. They failed to produce any licence regarding possession of the contraband and hence, on registration of the FIR, they were arrested. Petitioner approach learned Special Court, Amritsar for bail and on 20.07.2021, he was granted interim bail. However, lateron he failed to appear before the trial Court and thus, he was declared proclaimed offender on 02.01.2024. Thereafter, the petitioner approached learned Special Court, Amritsar, praying for grant of regular bail, however, on hearing both the sides, learned Court declined the same vide order dated 26.07.2024. Hence, the petitioner is before this Court by

way of filing the present petition praying for grant of regular bail.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely and frivolously implicated in this case. He submits that the only allegation against the petitioner is that he was allegedly caught with silver panni. He submits that the contraband allegedly recovered from the petitioner was in small quantity, hence, he was granted interim bail as well. However, due to miscommunication, he failed to appear before the trial Court and hence, he was declared proclaimed offender on 02.01.2024. He submits that now the petitioner is behind bars since 23.03.2024. He submits that the investigation is complete and challan has been presented. He further submits that the petitioner is not implicated in any other case under the NDPS Act and thus, he deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was arrested on the spot alongwith silver panni for which he failed to produce any licence. He submits that though the petitioner was granted interim bail, however, he was declared proclaimed offender as he intentionally remained absent from the trial Court. He further submits that there are chances that the petitioner would abscond, if he is granted bail. He thus submits that no case for the grant of bail to the petitioner is made out.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is apparent that the contraband recovered from the petitioner was silver panni, which the petitioner alongwith co-accused was found to be kept for smoking the same. The quantity recovered from the petitioner is stated to be small quantity, for which he was granted interim bail as well. As he could not appear before the trial Court, he was declared proclaimed offender. As is

apparent from record, the petitioner is behind bars from the last seven months. Investigation in the present case is complete.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

28.10.2024		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No