

S. No.214

2024:PHHC:051892

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

CRM-M-55688 of 2023

Date of Decision:18.04.2024

Ankush alias Anku

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Munish Puri, Advocate for the petitioner.

Mr. Baljinder Singh, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.42 dated 25.03.2023 registered under Sections 21, 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Sujanpur, District Pathankot.

2. As per prosecution allegations, during patrolling, a police party apprehended two persons riding a motor-cycle on 25.03.2023. Petitioner was driving the motor-cycle, whereas one Barkat Ali @ Bikka was the pillion rider. On search of the polythene which was being held by the pillion rider, 280 grams of heroin was recovered.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that recovery was effected from the pillion rider and not from the petitioner; that petitioner is in custody for the last more than one year; that trial may take time to conclude and so, he be allowed bail.

4. Learned State Counsel has opposed the bail petition submitting that the recovery was jointly effected from the petitioner and the co-accused. Learned State Counsel also contends that recovered quantity falls in the commercial category.

5. Heard.
6. As per the custody certificate placed on record, petitioner is in custody for the last 01 year and 22 days. He is not involved in any other case pertaining to the NDPS Act, though he is an undertrial in a case FIR No.30 dated 09.03.2022 registered under Sections 454/411/380 IPC at Police Station Sujanpur in which he is on bail.
7. Learned State Counsel also informs that not even a single witness has been examined so far out of the 11 witnesses cited by the prosecution; though the charges were framed on 09.10.2023. Thus, trial is likely to take long time to conclude. The quantity of contraband as allegedly recovered from the petitioner/co-accused is marginally higher than the commercial quantity the threshold for which starts from 250 grams.
8. Having regard to all the afore-said facts and circumstances of the case, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

April 18, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No