



210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52378-2024
Date of Decision: 25.10.2024

MOHAMMAD IQBAL
....Petitioner
VERSUS

STATE OF PUNJAB
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Jaswinder Singh Rana, Advocate for
Mr. Anil K. Sagar, Advocate for the petitioner.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 483 of BNSS is for grant of regular bail to the petitioner in case FIR No.151 dated 31.08.2013 registered for the offences punishable under Sections 15/61/85 of NDPS Act at Police Station City Kharar, District SAS Nagar.

2. The allegations in nutshell are that 51 kg 500 grams of poppy husk was recovered from possession of the petitioner.

3. Counsel for the petitioner *inter alia* submits that petitioner is falsely implicated in the present case and even otherwise has already undergone more than 5 months of incarceration and the case comes under marginally above commercial quantity. That it will take time for the trial to conclude. So, no gainful purpose is going to be served by prolonging the judicial custody of the petitioner.

4. Notice of motion.

5. Mr. Inderjeet Singh Ladher, DAG, Punjab accepts notice on



behalf of the state and the State counsel has resisted the present petition and submits that no doubt earlier the petitioner was released on bail but thereafter the petitioner jumped bail and was declared proclaimed offender and now is in custody for the last 5 months. The state counsel further submits that petitioner is also involved in some other cases of similar nature.

6. I have considered the submissions made by the counsel for the parties.

7. The case is related to recovery of 51 kg 500 grams of poppy husk which comes to be marginally above commercial quantity. As per the custody certificate which is furnished today, petitioner remained in custody for 6 months till 06.03.2014 in the present case. The State counsel has admitted that now after his re-arrest the petitioner is in continuous custody of another 5 months and total custody period of petitioner comes out to be 11 months. It will take time for the trial to conclude. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.10.2024

Priyanka Thakur

(KARAMJIT SINGH)
JUDGE