

213 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57743-2023

Decided on:-12.02.2024

Firoz Alam

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Akshay Kumar Dahiya, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.311, dated 23.06.2022 registered under Section 20(2c) of NDPS Act, 1985 at Police Station Hodal District Palwal.
2. Learned counsel for the petitioner submits that the petitioner along with his co-accused has been implicated for the alleged recovery of 749 Kg & 800 grams of “*Ganja*” from the truck.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel by referring to the huge recovery of contraband which was effected from the truck.
4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.
5. In the present case, petitioner has already suffered incarceration

for a period of 01 year & 08 months, whereas, the investigation already stands concluded with filing of challan followed by framing of charges, however, only 01 prosecution witness has been examined so far out of 18 witnesses cited by the prosecution, besides it, there is no other case of NDPS Act pending against the petitioner. The trial is likely to take some time. Moreover, co-accused of the petitioner namely, Rafiq @ Mohd. Rafique and Saddam have already been granted the concession of regular bail by this Court vide orders dated 20.12.2023 passed in CRM-M-33471-2023 and order dated 25.01.2024 passed in CRM-M-3095-2024, respectively. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

12.02.2024
sonika

(HARKESH MANUJA)
JUDGE

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