



CRM-M-58526-2023
Date of decision: 09.05.2024

VERSUS

STATE OF PUNJABRESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Narender Singh Kamboj, Advocate
for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 439 Cr.P.C, the petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
159	27.08.2023	25, 27-A and 22 of The Narcotic Drugs and Psychotropic Substances Act, 1985.	Baghapurana, District Moga.

2. Arguments heard.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and no recovery of contraband was effected from the petitioner. He submits that in fact the recovery of contraband has been effected from the co-accused Bhag Singh and the petitioner has been wrongly roped in the present case by the police without verifying the facts. The petitioner is in custody since 27.08.2023. Challan has already been presented in Court.

As such, prayed for grant of bail to the petitioner.

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4. Per contra, learned State counsel, by referring to the reply submitted by the State, contended that the petitioner was apprehended along with his co-accused Bhag Singh by the public and handed over to the police and the police had recovered tablets containing 'Tramadol' from the possession of co-accused Bhag Singh. He admitted that the challan has since been presented in Court and recovery of no contraband was effected from the petitioner in this case.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the basis of a video clip which went viral showing the petitioner and the co-accused allegedly dealing in intoxicants substance. Upon the raid being conducted, tablets containing 'Tramadol' were recovered from the possession of co-accused Bhag Singh, however, from the possession of the petitioner only lighter, ₹6,900/-, scooter and one half burnt paper was recovered. After completion of investigation, challan has since been presented in Court. Admittedly, no recovery of contraband has been effected from the possession of the petitioner. The conclusion of the trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned, if not required in any other



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case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

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

(SANJIV BERRY)
JUDGE

09.05.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |