

217

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-59707 of 2023

Date of decision:- 19.01.2024

MUCHIRAY SARUKAD PURTI AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. G.S. Verma, Advocate
for the petitioner.
Mr. Harpreet Singh, Addl. AG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioners under Section 439 of the Code of Criminal Procedure for grant of regular in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
150	10.09.2023	18 of the NDPS Act	GRP, District Ludhiana (Punjab)

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioners are innocent and have been falsely implicated in this case. He submits that the alleged recovery of 1kg and 500 grams of opium has been made from the petitioners and the same does not fall within the

purview of commercial quantity. The petitioners were arrested on 10.09.2023 and since then they are in custody, challan has already been presented in Court and no other case under NDPS Act is registered against the petitioners, out of 14 witnesses cited by the prosecution none of the witnesses has been examined yet, as such he prays for grant of concession of bail to the petitioners.

3. Learned State counsel has not disputed the factual matrix of the case. He submits that considering the nature and gravity of the case petitioners does not deserve concession of bail.

4. After considering the rival contentions and perusing the record, it transpires that petitioners were arrested on 10.09.2023 and alleged recovery of 1kg and 500 grams of opium has been made from the petitioner, the same is non commercial quantity. There is no other case under NDPS Act registered against the petitioners. Challan has already been presented in Court, and admittedly out of the 14 witnesses cited by the prosecution none of the witness has been examined till date. The conclusion of trial to ascertain criminal liability, if any, of the petitioners will take sufficient long time and no useful purpose would be served by keeping the petitioners behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioners behind bars. Therefore, the present petition is allowed. The petitioners are ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other 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.

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

(SANJIV BERRY)
JUDGE

19.01.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No