



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-56645-2024 (O&M)
Date of Decision:-20.11.2024

Hussain Khan @ Mohammad Hussain ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Priyanshu Kamra, Advocate for the petitioner.
(through video conferencing)

Mr. Ravinder Singh, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
185	3.9.2024	City 1, Abohar District Fazilka	22, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J. (Oral)

- The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
- As per the case of prosecution, one Angrej Singh, who was carrying a polythene bag threw the same down upon noticing the police party. Said Angrej Singh was also accompanied by Mangat Ram. The polythene bag was found to contain 130 strips of 30 tablets each of ‘*tramadol hydrochloride*’ i.e. a total of 3900 tablets total weighing 1.177 kilograms. It is further the case of prosecution that subsequently during the course of interrogation aforesaid Angrej Singh and Mangat Ram disclosed that they alongwith Hussain Khan @ Mohammad Hussain (petitioner) and Saminder Singh had procured the said contraband from one Chhinda.



- 3. Learned counsel for the petitioner submitted that the petitioner was never ever arrested at the spot nor is stated to be the supplier and has simply been nominated as an accused on a bald statement made by co-accused during custody, which would hardly carry any evidentiary value. It has further been submitted that the petitioner otherwise has a clean record and is not involved in any other case.
- 4. Opposing the petition, learned State counsel submitted that since the co-accused from whom recovery was effected had specifically nominated the petitioner, his complicity is clearly evident. Learned State counsel, however, not disputed that the petitioner is not involved in any other case. It has been informed that the petitioner as on date has been behind bars since 20.9.2024 and that challan is yet to be presented.
- 5. This Court has considered rival submissions addressed before this Court.
- 6. Having regard to the facts and circumstances of the case particularly the fact that the petitioner is not stated to have been apprehended at the spot and nor any recovery was ever effected from him and came to be nominated on the basis of disclosure statement, the veracity and admissibility of which would be debatable, further detention of the petitioner will not serve any useful purpose.
- 7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.11.2024
Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No