



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-1439-2025 (O&M)
Date of Decision: 15.02.2025

Hanif Mohammad @ Hanif @ Nifa
... Petitioner
Versus
State of Punjab
... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

PRESENT: Ms. Amarjot Kaur, Advocate,
for Mohd. Salim, Advocate for the petitioner.
Mr. Mohit Kapoor, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (*for short, 'BNSS'*), for grant of bail pending
trial to the petitioner in FIR No.123 dated 25.11.2024, under Section 21 of the
Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short, 'NDPS
Act'*) registered at Police Station Sadar Ahmedgarh, District Malerkotla.

2. Allegations are that 10 grams of *Heroin* was recovered from the
possession of the petitioner.
3. Contends that recovery alleged against the petitioner is 10 grams
of Heroin; he is in custody since 25.11.2024; final report under Section 193
of BNSS has already been presented, but charges are yet to be considered;
thus, conclusion of trial will take sufficient long time.



4. *Per contra*, learned State counsel opposes the prayer and on instructions, submits that petitioner is a habitual offender and involved in 04 other case of similar nature.
5. Heard both sides and perused the paper-book.
6. Concededly, petitioner is in custody since 25.11.2024; final report under Section 193 of the BNSS has already been submitted, but charges are yet to be considered and as such, the conclusion of trial will take sufficient long time; therefore, further incarceration of the petitioner would not serve any purpose.
7. Still further, in case petitioner is found to have been misusing the concession already granted in other cases pending against him, State has the remedy before the Court of competent jurisdiction, but in view of the fact that recovery alleged against petitioner is 10 grams of Heroin, he cannot be denied the bail pending trial in this case.
8. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. Petitioner shall appear on each & every date of hearing and fully co-operate with learned Special Court without seeking any unnecessary adjournments.
10. Above observations be not construed as an expression of opinion on the merits of the case, in any manner.



11. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

15.02.2025

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : Yes / No

Whether reportable : Yes / No