



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

218

**CRM-M-11693-2025
Decided on : 26.03.2025**

Sagna Charlie

... Petitioner

Versus

State of U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Robin Singh Hooda, Advocate for the petitioner.

Mr. Manish Bansal, P.P., U.T. Chandigarh

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.001 dated 16.02.2024, under Section 21 of NDPS Act, 1985 (Report under Section 173 Cr.P.C. presented under Sections 419,467,468,471 IPC and Sections 21,22,29 of NDPS Act and Section 14 of Foreigners Act), registered at Police Station ANTF, District Chandigarh.

2. Learned counsel for the petitioner submits that as per allegations of the prosecution, 84.85 gms of Cocaine was recovered from the diggy of Activa, on which the petitioner alongwith co-accused namely; Daniel were travelling. Counsel further submits that co-accused namely; Deepak Thapa, on whose statement, present petitioner was arrested, there was a separate recovery of 20.20 gms of Cocaine from his possession.

Thus, counsel for the petitioner submits that if recovered quantities are seen separately, it would be non-commercial. Counsel also

submits that the cocaine from both the accused have been recovered by recording the separate recovery memos, therefore, at this point of time, it cannot be assumed that the petitioner is liable for keeping in his conscious possession 105.05 gms of cocaine. Counsel also submits that co-accused namely Daniel and Deepak Thapa have already been granted the concession of regular bail by this Court vide orders dated 27.01.2025 and 05.02.2025 respectively.

3. Learned counsel for the petitioner further submits that petitioner is in custody for more than one year and once, it is not confirmed whether the quantity recovered is commercial quantity and there being no other case registered against the petitioner of similar nature, his prayer for release on regular bail is worth considering.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner in the Court today, same is taken on record. Counsel submits that out of total 27 prosecution witnesses, only two have been examined till date. However, he is unable to give any statement to the effect that within how much period, the complete evidence of prosecution would be led by the agency. He confirms that the petitioner has remained inside jail for more than one year and also confirms the fact that there is no other criminal case registered against the petitioner.

5. Looking at the circumstances in its entirety and the fact that petitioner is 34 years of age and co-accused namely; Daniel and Deepak Thapar have already been granted the concession of regular bail, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate

concerned, if not required in any other case.

6. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

7. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

8. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

March 26, 2025

Rashmi

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No