



case, they have no concern whatsoever with the alleged recovery and have been in custody since 16.02.2024, having no other criminal antecedents. He has referred to the disclosure statement (Annexure R-1) attached with the reply pertaining to co-accused Kannav Khanna to say that he had categorically disclosed having purchased the intoxicants tablets in from Arush Malhotra, which shows that only he was aware of the intoxicant tablets lying the car driven by him. The petitioners were sitting on the back seat without any knowledge about the same. After completion of investigation, challan has already been presented in Court and conclusion thereof, will take sufficient time, hence prayed for grant of concession of regular bail to the petitioners.

6. *Per contra*, learned State counsel referring to the reply filed by the State, has opposed the bail petition by arguing that intoxicant tablets in the instant case were recovered from the car wherein the petitioner along with other co-accused were occupants, however on instructions from Inspector Ranjit Singh, SHO, Present in Court, learned State counsel has not disputed the disclosure statement made by co-accused Kannav Khanna stating that he himself purchased the intoxicant tablets from co-accused Aarush Malhotra.

7. After considering the rival contentions and perusing the record, it is observed that instant FIR was registered, on the police intercepting the car driven by co-accused Kannav Khanna, wherein the petitioners were the occupants and recovered a polythene envelope containing 200 intoxicant tablets of Tramadol kept near the gear liver. All the accused were arrested and after completion of investigation, challan has already been presented in Court. During course of investigation, police had recorded the disclosure



statement of co-accused Kannav Khanna which has been annexed as Annexure R-1, the perusal thereof, would reveal that he had specifically claimed to have purchased the medicines from co-accused Aarush Malhotra. The perusal of the statement would categorically reveal that he had not attributed any role to the present petitioners in the alleged recovery for procurement of the intoxicant tablets. The version of the prosecution that all the accused had purchased these tablets from joint money, lacks any corroboration on the file. Admittedly the petitioners are not having any criminal antecedents and are in custody since 16.02.2024. After completion of investigation, challan has already been presented in Court, the conclusion of trial to ascertain criminal liability, if any, of the petitioners will take sufficient long time, as, such, no purpose would be served by detaining the petitioners any longer in custody.

8. Resultantly, in these circumstances, without commenting on the merits of the case, 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 the evidence of the prosecution in any manner.

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

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

15.05.2025

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i) Whether speaking/reasoned?
ii) Whether reportable?

Yes/No
Yes/No