



after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 15.01.2025. Hence, the petitioner approached this Court praying for grant of bail.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely and frivolously implicated in this case. He submits that the alleged recovery was effected from a public place from the *diggi* of Aactiva scooter, however, no independent witness from the public has been joined. He submits that even otherwise the conscious possession is also not proved. He contends that the alleged recovery of 25 grams of opium falls under the small quantity and further recovery of Rs.20,000/- Indian currency notes can also not be termed as drug money as has been alleged that the petitioner confessed about the same. He submits that the petitioner has no criminal antecedents and it is writ large that he has been falsely implicated in this case by planting recovery. He, thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that recovery of 25 grams of opium has been effected from the petitioner on due compliance of the statutory provisions of the NDPS Act. He submits that though recovery of the contraband falls in the small quantity, however, as the drug money has been recovered, provisions of Section 37 of the NDPS Act, are attracted. He has produced on record the custody certificate of the petitioner. He further submits that the case is still under investigation.



5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on 10.12.2024. Recovery of 25 grams of opium and Indian currency notes amounting to Rs.20,000/- were allegedly effected from the petitioner. Custody certificate would show that the petitioner is not involved in any other case.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

29.01.2025

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No