



CRM-M-50051-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-50051-2024

Decided on : 27.01.2025

DANIEL

.....PETITIONER

VERSUS

STATE OF UT CHANDIGARH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Robin Singh Hooda, Advocate,  
for the petitioner(s).

Mr. Manish Bansal, P.P., UT, Chandigarh, and  
Ms. Diksha Sharma, Advocate,  
for the respondent(s) – UT, Chandigarh.

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**SANJAY VASHISTH, J. (Oral)**

1. The instant petition has been filed for grant of regular bail to the petitioner – Daniel, aged about 34 years, who has committed the offence punishable under Section 21 of the 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 the Foreigners Act), in FIR No.1 dated 16.02.2024, registered at Police Station ANTF, District Chandigarh, during the pendency of trial.

2. Counsel for the petitioner submits that from the petitioner, 84.85 grams of cocaine was recovered from the dicky of the motorcycle.

There is other co-accused namely Deepak Thapa, on whose statement, present petitioner was arrested. There was a separate recovery of 20.20 grams of cocaine from his possession.

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



admits 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 grams of cocaine.

4. Counsel for the petitioner also submits that petitioner is inside jail for the last more than 11 months and 5 days, 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.

5. On the other hand, learned counsel for the respondent/State has filed custody certificate in the Court, and the same is taken on record. He submits that proceedings for recording of the prosecution witnesses is in progress, and out of total 24 witnesses, only two witnesses have been examined.

6. 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 a period of 11 months and 5 days. He also confirms the fact that there is no other criminal case registered against the petitioner.

7. Looking at the circumstances in its entirety and the age of petitioner i.e. 34 years, 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 the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

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

9. 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.

10. 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.

11. Petition stands disposed of.

**(SANJAY VASHISTH)  
JUDGE**

**27.01.2025***Lavisha*

*Whether speaking/reasoned: Yes/No*  
*Whether Reportable: Yes/No*