



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

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**CRM-M-40356-2022 (O&M)
Date of decision: 09.01.2025**

Mohd. Anwar @ Ambu**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. H. P. Singh, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 181 dated 18.12.2021, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City-I, Malerkotla, District Malerkotla.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 18.12.2021, a police party headed by SI Baljit Singh was on patrolling duty. They noticed that two persons were coming on white colour scooty from opposite side and on seeing the police party, they tried to turn back and the pillion rider threw down one transparent envelope, due to which, strips of intoxicant tablets scattered out of that envelope and some strips remained lying in that envelope. The said persons were apprehended by the police party. On inquiry, the driver of that scooty disclosed his name as 'Mohammad Anwar @ Ambu', i.e. the present petitioner, whereas the pillion rider disclosed his name as 'Mohammad Aarif @ Nikka. Thereafter, recovery of 7000 intoxicant tablets



make Celcidal-100SR and 2000 intoxicant tablets make Alprsafe-0.5 was effected from them. They were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for commission of aforesaid mentioned offences.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The alleged recovery of the intoxicant tablets was in fact planted upon him. Learned counsel for the petitioner has further argued that three parcels were sent to FSL, Mohali for chemical examination and vide FSL report dated 15.02.2022, it was reported that parcel A-1, which was containing 20 tablets of Celcidal-100 SR, did not contain intoxicant substance. Hence, the aforesaid recovery of 7000 tablets does not fall within the ambit of the NDPS Act. Even the mandatory provisions of Section 50 of the NDPS Act were not complied with. Learned counsel has further argued that vide order dated 01.12.2023, the petitioner was granted concession of interim bail by this Court and he has not misused the same. He is not involved in any other case under the NDPS Act. Trial is likely to take time. No useful purpose would be served by sending the petitioner into custody again. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State, as per which, the petitioner and co-accused were apprehended by the police party and recovery of total 9000 intoxicant tablets was effected from them. While arguing that a commercial quantity of the contraband was recovered from the petitioner and co-accused, it is argued that the petitioner is not entitled to get benefit of regular bail and dismissal of the petition is prayed for.



5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. As per the allegations, the petitioner and above named co-accused were apprehended by the police party and recovery of total 9000 intoxicant tablets was effected from them. Three parcels containing samples of the recovered intoxicant tablets were sent to FSL, Mohali for chemical examination of the same. The FSL report has been received, as per which, in the sample of parcel A-1, which was containing sample of Celcidal-100SR tablets, no intoxicant substance was found. A perusal of the record shows that the trial is substantially delayed. The petitioner is on interim bail since 01.12.2023 and there is nothing on record to show that he has misused the same. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by sending the petitioner into custody again. Accordingly, the present petition is allowed. The interim bail, granted to the petitioner vide order dated 01.12.2023, is confirmed and converted into regular bail. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

09.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No