

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-17232 of 2015

Date of decision:28.05.2015

Ashok Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Rajat Gautam, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Navita Singh, J. (Oral)

This petition has been moved by Ashok Kumar under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.729 dated 8.11.2014 registered under Sections 20-B/27 of Narcotic Drugs and Psychotropic Substances Act at Police Station City Fatehabad.

The petitioner is in custody since 8.11.2014. The allegations against him are that he was driving a motor-cycle on which two other persons were the pillion riders. When the police party signalled him to stop, he tried to escape. On checking, police found that the two persons on the motor-cycle were carrying some narcotic substance which weighed 1 Kg 100 grams. The contraband was alleged to be 'Sulpha'.

Some of the prosecution witnesses have been examined but major part of the trial is yet to be conducted.

It is submitted on behalf of the petitioner that he had given lift to the other two persons Jaiveer and Krishan and he was not aware that they were carrying any narcotic substance. Also, the explanation for trying to avoid the police is that he was not wearing a helmet nor were pillion

riders and out of fear, he tried to escape so that he may not be challaned for driving without helmet.

State Counsel submits that it was found during investigation that the petitioner was aware that the other two persons sitting on the motor-cycle were carrying some contraband. It is yet to be decided on merits that whether the petitioner was in conscious possession of the contraband along with other persons or whether his defence would be believed. The quantity of contraband is marginally higher than the non-commercial quantity. The petitioner has already spent more than six months in custody.

State Counsel further submits that as per her instructions, the petitioner is neither a previous convict nor is involved in any other criminal activity.

Without commenting on the merits of the case, the petition is allowed. Bail to the satisfaction of the trial Court.

28.05.2015
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(NAVITA SINGH)
JUDGE