

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

**CRM-M No. 21584 of 2015 (O&M)
Date of decision: 13.07.2015.**

Krishan

..... Petitioner.

Versus

State of Haryana

..... Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. Sandeep Kotla, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana, for the respondent.

NAVITA SINGH, J. (ORAL)

This petition has been moved by petitioner – Krishan under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No. 729 dated 08.11.2014, under Sections 20-B and 27 of the Narcotic Drugs and Psychotropic Substances Act of Police Station City Fatehabad.

The petitioner is in custody since 08.11.2014. The allegations against him are that he was the pillion rider of the motorcycle being driven by co-accused Ashok Kumar. When the police party signalled the driver to stop, he tried to escape. On checking, police found that the two persons on the motorcycle were carrying narcotic substance which weighed 1 kg 100 grams. The contraband was alleged to be 'sulpha'.

It is submitted on behalf of the petitioner that he was the pillion rider and recovery was made from the bag hanging on the motorcycle. He was not aware what the driver of the motorcycle was carrying in that.

State counsel submits that it was found during investigation that the petitioner was aware that the other two persons sitting on the motorcycle 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 eight 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.

Since the petitioner is not placed in a situation worse than co-accused Ashok Kumar, there is no reason to decline the relief to him, which was granted to the co-accused.

In view of the above, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of trial Court.

(NAVITA SINGH)
JUDGE

13.07.2015
Ramesh