

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

CRM-M-4969-2015

Date of decision: 9.4.2015

Satibir Singh @ Satta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Ranjit Sharma, Advocate for the petitioner

Ms.Mahima, Assistant Advocate General, Haryana

SNEH PRASHAR, J.

The instant petition under Section 439 of the code of Criminal Procedure has been filed for grant of regular bail to the petitioner in case FIR No. 3/2013 dated 26.2.2014, registered under Section 21/25/29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short 'the Act') at Police Station S/SOC, District Amritsar.

Submissions made by Mr.Ranjit Sharma, Advocate representing the petitioner and Ms.Mahima, Assistant Advocate General, Haryana have been heard.

Learned counsel for the petitioner submits that the recovery was effected from one Swaran Singh and not from the petitioner. Also the petitioner has no relation with Swaran Singh. He further submits that the mandatory provisions of the Act were not followed when the recovery is alleged to have been made.

On the other hand, learned State counsel opposes the prayer

of the petitioner and submits that the petitioner was the pillion rider with Swaran Singh when the recovery was effected.

In the present case, as per the FIR, recovery of three kilograms and five hundred grams was effected. The petitioner was riding on the pillion seat of the motorcycle with Swaran Singh when the recovery was effected. Both were arrested at the spot and prima facie as per allegations recovery was effected from their joint and conscious possession. The recovery effected falls under commercial quantity. Therefore, in view of the provisions provided under Section 37 of the Act, the petitioner is not entitled for grant of bail and the present petition is dismissed.

9.4.2015
gsv

(SNEH PRASHAR)
JUDGE