

Sr. No. 235

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-11980 of 2016 (O&M)
Date of Decision: 21.04.2016

Lakhwinder Singh

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. D.S.Virk, Advocate,
for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.161 dated 10.10.2015, under Sections 15/61/85 of Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered at Police Station Guhla, District Kaithal.

Counsel for the parties have been heard.

As per prosecution version, secret information having been received, *nakabandi* was laid down and a Verna car bearing registration No. HR-30-G-0126 came there and was signalled to stop. Such car is stated to have been driven by the present petitioner. In the meantime, another car i.e. Swift Dezire bearing registration No. HR-36-M-0450 also came in which two persons were sitting and upon signalled to stop co-accused Gopal who was driving such Swift Dezire was apprehended on the spot and alleged recovery of 180

kgs. of poppy husk was recovered from such Swift Dezire car.

During the course of investigation, Gopal who was apprehended on the spot named other person who had escaped to be his brother, namely Gurdas Singh. Insofar as the present petitioner is concerned, he was not even a passenger nor driving the Swift Dezire car from which the alleged recovery has been made.

Case made out by the prosecution is that the present petitioner was driving the different car i.e. a Verna car and was guiding the other vehicle so that the contraband could be delivered safely at the destination.

Petitioner was arrested on 10.10.2015.

The petitioner is not stated to be involved in any other case under the NDPS Act.

No recovery having been effected from the present petitioner, this Court is of the considered view that he is entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Kaithal.

Disposed of.

21.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**