

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

CRM-M-33427-2016 (O&M)

Date of decision: 13.12.2016

Lakhwinder Singh @ Sema

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by HC Jasbir Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.04 dated 17.01.2016, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Longowal, Distt. Sangrur.

Learned counsel for the petitioner contends that allegedly, 300 kgs of poppy husk was recovered from the car in question. The petitioner is neither the owner, nor driver of the same. The petitioner is a mechanic by profession and he is not related to any of the co-accused. The recovery has not been effected from his conscious possession. He is in custody since 17.01.2016. He is not involved in any other case.

On the other hand, learned State counsel submits that the recovery is commercial in nature. The petitioner was apprehended from the spot.

Heard.

Keeping in view the fact that the petitioner is neither the owner, nor driver of the car in question. He is not involved in any other case. The petitioner is in custody since 17.01.2016.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate.

Anything said herein above shall not be construed as an expression of opinion of the Court on the merits of the case.

13.12.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No