

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40045-2016

Date of decision: 09.12.2016

Rakesh Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Naresh Jain, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.
assisted by ASI Ashok Kumar.

Jitendra Chauhan, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.362 dated 15.05.2015, registered under Sections 15, 16 and 27-A of Narcotic Drugs and Psychotropic Substances Act 1985, (in short 'NDPS') at Police Station City Sirsa, District Sirsa.

Learned counsel for the petitioner contends that the petitioner was not arrested from the spot. At the time of recovery of the contraband, the vehicle was un-attended. During the investigation, alleged driver of the vehicle, namely, Sharwan Kumar was arrested who made a statement that the vehicle is owned by the co-accused, namely, Ram Krishan @ Bhalu. The petitioner had allegedly instructed said Sharwan Kumar to transport the loaded poppy husk to Ghaggar River. The petitioner being cleaner was not aware of the substance loaded in the vehicle. The petitioner is neither the owner and driver of the vehicle nor was arrested from the spot. The

petitioner in fact was arrested on 04.09.2015.

On the other hand, learned State counsel admits the factual position that the petitioner was not arrested from the spot but he states that petitioner being cleaner was in full knowledge that the substance carried by them was poppy husk and there is quick change of ownership in the vehicle which was being used for illegal purposes.

I have heard learned counsel for the parties and have gone through the case file.

Considering the fact that the petitioner is neither owner nor driver of the vehicle and he was not arrested from the spot, the petitioner be admitted to bail on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

Anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

December 09, 2016

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