

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

**Criminal Misc. No. M-43394 of 2016
Date of Decision:-20.12.2016**

Pankaj Kumar alias Babla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. M.S. Bajwa, Advocate for
Mr. Anantdeep Singh Sandhu, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail during pendency of trial to the petitioner in case FIR No. 83 dated 21.4.2016, under Sections 22 of the NDPS Act, 1985 registered at Police Station Kotwali, District Patiala.

Learned counsel for the petitioner states that no recovery was effected from the conscious possession of the petitioner. The petitioner was merely travelling in the vehicle, from which the contraband was recovered and he is in custody since 21.4.2016. He states that co-accused namely, Sandeep Kharab alias Sunny has already been admitted on regular bail by this Court on 7.11.2016 in CRM-M-28739 of 2016 titled 'Sandeep Kharab

alias Sunny vs. State of Punjab'.

Learned State counsel on instructions from ASI Jaspal Singh has informed the Court that the petitioner is in custody since 21.4.2016 and there is no other case against him. He further states that the contraband was not recovered from the personal possession of the petitioner.

I have heard learned counsel for the parties.

The alleged recovery was not effected from the personal possession of the petitioner. The petitioner is neither owner nor driver of the vehicle, from which the contraband was recovered and he is in custody since 21.4.2016. Therefore, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

December 20, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No