

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-43927 of 2016
Date of decision : December 13, 2016

Santosh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. RS Randhawa, Advocate, for the petitioner
Mr. Munish Sharma, AAG, Haryana, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Santosh in this regular bail application under section 439 Cr.P.C. are that on 30.5.2016 during the raid at the house of Manoj co-accused of petitioner, ganja weighing 42 kgs., a commercial quantity was recovered.

The contentions of the counsel for the petitioners are that it was from the residential unit owned by the co-accused the recovery has been effected and the same cannot be termed to be from the conscious possession of the petitioner.

Bail application has been opposed on the grounds that it is a commercial quantity and that the challan has been submitted and the trial is under way.

Appreciating the submissions, the factum of the very presence of the petitioner at the time of recovery from the place in question and the

trial being under way and in view of the commercial quantity of the contraband and in view of the law laid down in **Madan Lal and anr. Vs Stae of Himachal Pradesh, 2003(4) RCR (Cri) 100 (SC)** impels this Court to dismiss the present petition.

December 13, 2016
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>