

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

CRM No. M-18028 of 2017 (O&M)

Date of Decision: 24.05.2017.

Sunil Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Abhinav Sharma, Advocate and
Mr. Ashish Sharma, Advocate,
for the petitioner.

Ms. Shivali, AAG Punjab.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 439
the Cr.P.C seeking regular bail in case FIR No.12 dated 12.01.2017,
registered under Sections 18 and 21 of NDPS Act at Police Station
Sadar, District Amritsar.

Learned counsel for the petitioner refers to Annexure
P-8 to contend that the petitioner being a driver was on his official duty.
He states that the drugs allegedly recovered from the petitioner do not
fall under the NDPS Act and no licence or permission is required to
hold or store the drugs. The telephonic details of the petitioner do not
indicate his presence at the spot of recovery.

On the other hand, the learned State counsel submits
that the petitioner was arrested from the spot. The petitioner is the
brother-in-law of co-accused who was earlier arrested in FIR No.312 of
2017.

Heard.

Considering the fact that no *malafide* has been alleged in the petition; the petitioner was arrested from the spot; a huge quantity of contraband was allegedly recovered from his possession and the issue of alibi is a factual aspect of the matter that will be considered by the trial Court during the course of trial, at this stage, the Court feels that no case for bail is made out. Consequently, the petition is dismissed.

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

24.05.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No