

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-27879 of 2017

Date of Decision: 28.11.2017

Udham Masih

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Ms. Mandeep Kaur, Advocate
for Mr. Divjyot S. Sandhu, Advocate
for the petitioner(s).

Ms. Jaspreet Kaur, Assistant Advocate
General, Punjab for the respondent.

Shekher Dhawan, J.

Present petition under Section 439 Cr.P.C. for seeking regular bail to the petitioner(s) in case FIR No. 116 dated 18.7.2016 registered under Section(s) 15 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter referred to as “the Act”) at Police Station Sultanpur Lodhi, District Kapurthala. Petitioner was allegedly found to be in possession of 1295 Kgs. of poppy husk.

Learned counsel for the petitioner contended that petitioner is neither the driver nor the owner of the truck involved in the alleged incident and petitioner is otherwise in custody since 18.7.2016.

Learned counsel for the respondent-State contended that the alleged recovery of 1295 Kgs. of poppy husk was in the conscious possession of the petitioner, which is commercial quantity and no case is

made out for release of petitioner on regular bail.

Taking into consideration the fact that though recovery of poppy husk was not effected from the conscious possession of the petitioner, yet it shall be the matter of trial only whether the petitioner was actually driver or owner of the truck in question; what was his role and whether he was in conscious possession of the poppy husk. As per Section 37 of the Act, petitioner does not deserve the concession of regular bail. Hence, the present petition stands dismissed.

(Shekher Dhawan)
Judge

November 28, 2017

“DK”

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