

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

CRL. MISC. No.M-32176 OF 2017
DATE OF DECISION : 07 SEPTEMBER, 2017

Pawan Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Preetinder S. Ahluwalia, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

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A. B. CHAUDHARI, J.

The petitioner has filed this petition under Section 439 Cr.P.C. seeking regular bail in FIR No.710 dated 27.07.2017 registered under Sections 21C, 61, 85 of NDPS Act at Police Station Hisar City, District Hisar.

Heard learned counsel for the rival parties.

The petitioner was arrested on 27.07.2017 and since then he is in jail. The petitioner was allegedly found in possession of 18 bottles Rexcof 100 ML (Codeine).

Learned counsel for the petitioner submits that there was no conscious possession of the petitioner and what is alleged is that the bottles were kept in the dicky of the scooter.

Per contra, learned State counsel vehemently opposed the petition for regular bail and submitted that the bottles recovered from the petitioner's vehicle would fall in commercial quantity.

The issue, as to whether the petitioner was having conscious possession or not, is highly debatable. The petitioner does not have any criminal antecedents.

Looking to the quantity of contraband seized from the petitioner and the issue is highly debatable and particularly when the petitioner does not have any other prosecution pending against him, I am inclined to grant concession of regular bail to the petitioner.

In that view of the matter, I make the following order:

ORDER

- (i) CRL. MISC. No.M-32176 OF 2017 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.

07 SEPTEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: Yes No

Whether Reportable: Yes No