

CRM-M-3224-2017

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

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Date of Decision: 09.02.2017

Anil Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sandeep Verma, Advocate,
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Anil Kumar has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.25 dated 23.03.2016, registered at Police Station Sadar, Rajpura, District Patiala, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion was issued. Learned State counsel appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that as per the prosecution version, the present petitioner is the driver of taxi having All India Tourist Permit

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and recovery of heroin has been made from one passenger, namely Chukwuma Anthony, who is stated to be a nigro, from a bag which he has kept on his thigh. Since the petitioner is a taxi driver, therefore, he is not supposed to check the luggage of the passengers. From the record, it is prima facie clear that the present petitioner is a taxi driver and that main accused has hired the taxi. At this stage, there is nothing to show any connection of the present petitioner with the main accused. It is mentioned in the FIR itself that the main accused Chukwuma Anthony did not even know the language.

Therefore, keeping in view all these facts and circumstances of the present case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, it looks that the present petitioner is not connected with the recovery and joint possession cannot be held of the present petitioner, who is a taxi driver with the main accused Chukwuma Anthony, who was a passenger in the taxi.

Moreover, the petitioner has been in custody since 23.03.2016. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, finding merit in the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his

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furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

However, nothing above in any way will constitute my opinion on the merits of the case.

09.02.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No