

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212(1)

CRM-M-45325-2018

Love Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

212(2)

CRM-M-32219-2018

Amandeep Kumar @ Vicky

.....Petitioner

Versus

State of Punjab

.....Respondent

Date of Decision:14.12.2018

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Sunil Agnihotri, Advocate,
for the petitioner in CRM-M-45325-2018.

Mr. Naresh Kumar, Advocate for
Mr. K.S. Dadwal, Advocate,
for the petitioner in CRM-M-32219-2018.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

These two identical petitions bearing CRM-M-45325-2018
(Love Kumar Versus State of Punjab) and CRM-M-32219-2018
(Amandeep Kumar @ Vicky Versus State of Punjab), are being decided
together vide this common order as both these cases are arising out of the
same FIR. However, for the facility of reference, facts have been taken
from CRM-M-45325-2018 (Love Kumar Versus State of Punjab).

Prayer in these petitions filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in case FIR No.0219 dated 23.12.2017 under Section 15 of the NDPS Act, registered at Police Station Gharshanker, District Hoshiarpur.

The allegation against the petitioner(s) is that they were found in possession of 90 kgs. of poppy husk concealed in a vehicle carrying apple boxes from Sri Nagar.

Learned counsel for the petitioner in CRM-M-45325-2018 has argued that petitioner-Love Kumar has merely taken the lift from the truck and was not employed and therefore, recovery of poppy husk was not in conscious possession of the petitioner.

Learned counsel for the petitioner in CRM-M-32219-2018 states that petitioner-Amandeep Kumar @ Vicky is in custody since 23.12.2017, there is no other case against him and trial in the case will take long time as prosecution evidence has yet not started.

Learned State Counsel on instructions from ASI Darshan Kumar states that the petitioners were cleaner and driver on the truck from which the recovery was effected and thus are not entitled for bail. He further states that the prosecution evidence has not yet been started.

I have heard learned counsel for the parties.

Considering the fact that the recovery is 90 kgs. of poppy husk and the petitioner(s) are in custody since 23.12.2017, coupled with the fact that no other case has been pointed out against them and trial in the case will take sufficient long time as no prosecution witness has yet been examined, I deem it appropriate to admit the petitioner(s) on regular bail.

Accordingly, the present petitions are allowed and petitioner(s)-

Love Kumar and Amandeep Kumar @ Vicky are admitted on regular bail, subject to furnishing of their adequate bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that the petitioner(s) shall submit an affidavit to the effect that if they are found indulged in any other case under the NDPS Act, the prosecution would be at liberty to seek cancellation of their bail in the present cases.

December 14, 2018

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No