

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

CRM-M-49773-2017

Date of Decision:12.01.2018

Harpreet Singh

.....Petitioner

Vs.

The State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Balbir Singh Jaswal, Advocate,
for the petitioner.

Ms.Samina Dhir, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that, firstly, the petitioner was not the owner of the car in which he was travelling at the time when the alleged recovery was made, as the driver of the car, Dinesh Kumar, was the owner, and further, the intoxicating powder was also found to be in the dashboard of the car, and yet further, no sample of the same was produced before the Magistrate, in terms of Section 52A of the NDPS Act, 1985.

He further submits that therefore, even as regards the liquor stated to have been recovered from the car, the petitioner not being the owner of the car and simply a person who took a lift in the car, cannot be attributed possession of the same.

Without making any comment at all with regard to the petitioner being a person simply taking a lift in a car or not, which would be looked at by the trial Court, in view of the fact that no sample of the intoxicant powder alleged to have been recovered from the car had been produced before the Magistrate, and no other case stated to have been registered against the

petitioner, even as per the instructions of the State counsel from ASI Gurmeet Singh, I consider it appropriate to admit him to bail, on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

January 12, 2018

dharamvir/dinesh

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO