

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

**CRM-M-3473-2019 (O&M)
Date of Decision: March 11, 2019**

Raghvir Singh @ Mitthu

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. P.S.Punia, Advocate
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

HARINDER SINGH SIDHU, J.

This petition has been filed under Section 439 CrPC seeking regular bail in case FIR No.117 dated 27.09.2018 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Sirhind, District Sirhind, Punjab.

Allegations in the FIR are that on 27.9.2018 at about 10.30 pm a Zen car bearing No.PB-23-M-9614 was seen coming from Rajpura side, wherein, three persons were sitting. When the police party stopped the car, the driver of the car tried to run away alongwith a polythene bag. In the process the said bag fell on the driver's seat and the contents thereof got scattered after getting lose. It contained 21 injections of Buprenorphine I.P.Omgescic (2 ml each) and 21 injections of Avil (10 ml. Each). All the occupants of the car were apprehended on the spot. The petitioner is alleged

to have been sitting on the back seat of the car.

Learned counsel for the petitioner has contended that the petitioner is in custody since 27.09.2018. He was not aware of the contraband being carried in the vehicle and that even as per the allegations in the FIR he was not in conscious possession of the same.

The recovered quantity of Buprenorphine amounts to 42 mls, which is commercial quantity. Moreover, at this stage, it is difficult to opine regarding the absence of conscious possession.

No ground is made out to grant bail at this stage.

Dismissed.

March 11, 2019

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(HARINDER SINGH SIDHU)

JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No