

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

CRM-M-4021-2019 (O&M)
Date of decision : 13.05.2019

Pappa Singh @ Pappa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajesh Kapila, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

Affidavit of custody has been filed today in the Court. Same is taken on record.

Prayer in the petition is to grant regular bail to the petitioner in FIR No.60 dated 08.03.2017 registered under Sections 18/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Zira, District Ferozepur.

Learned counsel for the petitioner relies upon order passed in CRM-M-15339-2018 titled as Jagseer Singh @ Seera Vs. State of Punjab dated 05.12.2018. It is contended by the learned counsel that Jagseer Singh was driving the vehicle as per the case of the prosecution and narcotic in question was recovered under the seat of the driver who has been released on bail. He further submitted that the petitioner is in custody for the last

more than 2 years and 1 month and the trial of the case is likely to take time. He further contends that the petitioner cannot be said to be in conscious possession of the narcotic.

On the other hand, learned counsel for the State has submitted that the recovery is commercial quantity and the petitioner was occupant of the same vehicle. The petitioner is not involved in any other case.

Once, it is undisputed that Jagseer Singh @ Seera who was driving the vehicle and the narcotic in question was recovered under the seat of the driver, it is debatable as to whether the petitioner was in conscious possession of the narcotic or not. Out of 13 witnesses, only 3 have been examined and the trial of the case is likely to take time.

In view thereof and for the reasons recorded in the order dated 05.12.2018 passed in CRM-M-15339-2018 titled as Jagseer Singh @ Seera Vs. State of Punjab, petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, District Ferozepur.

Accordingly, the present petition is allowed.

13.05.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No