

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4518 of 2019

Date of decision: 05.11.2019

Rajveer Singh Raju

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.Gurpal Singh Sandhu, Advocate for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG Punjab.

HARINDER SINGH SIDHU, J.

This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.204 dated 3.9.2018 under Section 22 of NDPS Act, 1985 registered at Police Station Lambi, District Sri Muktsar Sahib.

The allegations against the petitioner are that the petitioner and his co-accused were riding motor cycle. The petitioner was driving and the co-accused Sandeep Singh was pillion rider. On being stopped, plastic bag containing intoxicant tablets marked Clovidol 100 SR (Tramadol Hydrochloride Tab 100 mg) were recovered.

The contention of the learned counsel for the petitioner is that he cannot be attributed conscious possession of the bag which was lying between him and the pillion rider. It is his case that co-accused was resident of the same village of the petitioner and the petitioner had given lift to the co-accused on his motor cycle and he was not aware of the contents of the bag which his co-accused was carrying.

Learned State counsel has contended that the conscious

possession of the contraband has to be attributed equally to the driver and

the pillion rider and the driver of the motor cycle cannot escape from his liability in any manner. He also states that submission now made by the petitioner is an after-thought.

Be that as it may, it would be debatable issue as to whether the petitioner can be attributed conscious possession of the alleged contraband especially when it is his specific case that he had simply given lift to the pillion rider.

Without commenting on the merits of the case and also considering the fact that the petitioner has been in custody for the last one year and two months and that he is not wanted in any other case; conclusion of the trial may take long time and no useful purpose will be served by keeping him in custody till the final disposal of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, Sri Muktsar Sahib.

However, in case the petitioner indulges in any activity akin to one for which he has been convicted, while on bail, the prosecution agency will be at liberty to seek the cancellation of the order granting bail to the petitioner.

5.11.2019
Meenu

[**HARINDER SINGH SIDHU**]
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No