

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-5380-2019 (O&M)
Date of Decision:- 8.2.2019

Sandeep ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pankaj Bali, Advocate, for the petitioner.

Mr. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.376, dated 1.11.2018, registered at Police Station Madhuban, Karnal, under Section 15/25 of NDPS Act and under Sections 473 and 120-B IPC.

- 2 The petitioner along with two other co-accused was apprehended while travelling in a Verna car. The petitioner is alleged to be driving the car and the search of the car yielded recovery of 34 Kgs of 'Poppy Husk' from boot of the car.

3. Learned counsel has submitted that he had merely been employed as a driver and as such cannot be attributed conscious possession of the contraband recovered from boot of the car.
4. Opposing the petition, learned State counsel has submitted that in view of the fact that the petitioner being the driver had domain over the car, he could not feign ignorance about the contents stored in boot of the car and as such does not deserve the concession of bail.
5. Having regard to the facts and circumstances of the case and that the recovery of 34 Kgs of 'Poppy Husk' falls in the intermediate category and that the petitioner has been behind bars since the last more than 3 months and challan has already been presented and not even a single witness has been examined so far, in my opinion no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and petitioner-Sandeep is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. This petition stands accepted accordingly.

February 8, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No