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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6404-2019

Date of decision-11.04.2019

Mahesh Kumar @ Mahi

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S.Sandhu, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab assisted by
HC Rupinder Singh.

MANOJ BAJAJ, J.

Petitioner-Mahesh Kumar @ Mahi has prayed for grant of regular bail in case FIR No.179 dated 07.08.2018 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1881 registered at Police Station Civil Lines, Bathinda. The petitioner is in custody since his arrest on 07.08.2018.

As per the version of the prosecution in FIR, on 07.08.2018, petitioner and other person namely, Andhin Paswan were apprehended and two polythene bags were recovered one of which was hanging on the motorcycle bearing No.PB03AQ-5593, driven by Mahesh Kumar @ Mahi (petitioner) and other bag was in right hand of co-accused who was pillion rider. Recovery of 30 vials of onerex containing 100 ml each and 30 strips of carisoma, 10 tablets each were effected from each polythene.

Learned counsel for the petitioner contends that it is seriously debatable as to whether the petitioner is having conscious possession of the alleged contraband. It is further pointed out by learned counsel for the petitioner that the mandatory provisions of Section 50 are not complied with.

On the other hand, learned State counsel assisted by HC Rupinder Singh opposed the bail application. However, it is not disputed that recovery was effected from polythene bag which was hanging on motorcycle.

Considering the above background of the case and the case set up by the prosecution against the petitioner as well as the custodial period suffered by the petitioner, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Bathinda.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

11.04.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No