

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

CRM-M-10025-2019 (O&M)
Date of Decision:- 2.7.2019

Govind Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harpreet S. Rakhra, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.525, dated 29.8.2018, Police Station Civil Lines, Hisar, under Sections 18 of NDPS Act.
2. The FIR was lodged on the basis of a secret information to the effect that two persons carrying some narcotic substance were traveling in a car bearing registration No. HR-20Y-1788. Upon receipt of aforesaid information, barricading was held and the petitioner along with co-accused Jai Singh was apprehended while traveling in a car. It is the case of the prosecution that upon personal search of the co-accused Jai Singh 'Opium' weighing 1.5 Kg was recovered and that the personal search of petitioner-Govind Singh led to recovery of 1 Kg of 'Opium'.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and that in any case he can at best be attributed recovery of 1 Kg of 'Opium', which is less than "commercial quantity" and that in these circumstances the petitioner not being a previous convict deserves the concession of bail.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner along with Jai Singh were apprehended on the basis of a secret information and a total 2.5 Kg of 'Opium' was recovered which falls in the category of "commercial quantity", the petitioner cannot feign ignorance about the 'Opium' being carried by his co-accused and that in these circumstances both the accused having been found in possession of a total quantity of 2.5 Kg of 'Opium', no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. It would be certainly debatable as to whether the petitioner would be attributed conscious possession of the entire recovered contraband or as to whether he can be held responsible only in respect of the contraband i.e. 1 Kg of 'Opium' recovered from his personal search. Since the petitioner has been behind bars since the last about 10 months and the trial is yet to commence inasmuch as the charges have not been framed 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 the petitioner-Govind Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the

satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6. The present petition stands accepted accordingly.

July 2, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No