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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9518-2019

Date of decision-04.09.2019

Gurpreet Singh @ Gopi

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

Mr. Hittan Nehra, Addl.AG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Gurpreet Singh @ Gopi has filed this petition for grant of regular bail in case FIR No.58 dated 11.06.2017, under Sections 15 and 61 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act registered at Police Station Sadar Moga, District Moga. Petitioner is in custody since his arrest on 27.11.2018.

On 11.06.2017, when the Police party was on patrol duty at G.T.Road to Nidhawal, one Innova bearing No.PB-08/CX-7918 was seen coming. When it was signalled to stop, the driver of the car turned the car towards the fields and struck against a tree. Two persons who were sitting on the back seat of the car succeeded in escaping from the spot. However, the driver of the car was apprehended. After following the procedure, a search was conducted and 10 bags containing 400 k.g poppy husk were recovered.

Learned counsel for the petitioner contends that the petitioner was hired as driver by the owners who ran away from the spot. He submits that the said accused who ran away from the spot were granted the concession of pre-arrest bail. He further submits that it was not in the knowledge of the petitioner that material contained in the bags is poppy husk and therefore, his conscious possession is not established.

On the other hand, learned State counsel on instructions from ASI Balwinder has opposed the bail application on the ground that the petitioner also made an attempt to escape. He has invited the attention of the Court to the relevant portion of the FIR wherein it is mentioned that ASI Tara Chand and Head Constable Jaswant Singh made a chase, but accused succeeded and the car driver was apprehended with the help of colleagues. It was the petitioner who disclosed the names of Gurdev Singh and Boota Singh. He further states that if it was not in the knowledge of the petitioner that material contained in the bags is poppy husk, there was no reason for him to run away from the spot.

Considering the above and huge quantity of contraband recovered, this Court does not find any reason to release the petitioner on bail. No case is made out for grant of regular bail to the petitioner.

Consequently, petition is dismissed.

04.09.2019

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**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No