

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

CRM-M-27237-2018 (O&M)
Date of Decision:- 16.5.2019

Gurpreet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S.Sekhon, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.14, dated 18.1.2018, Police Station Patran, District Patiala, under Section 15 of NDPS Act.
2. The allegations, in nutshell, are that on the day of occurrence a white coloured Maruti Swift car bearing registration No. HR-06Z-0800 was apprehended by the police during the course of barricading. While the driver of the car disclosed his name as Gurpreet Singh, the other

occupant of the car disclosed his name as Boota Singh. Upon search of the vehicle, 7 yellow coloured plastic bags were recovered from the boot of the car and which upon checking were found to contain 10 Kgs of 'Poppy Husk' each.

3. Learned counsel for the petitioner has submitted that the petitioner was merely a driver of the car and that the co-accused Boota Singh is owner of the car as the car in question is registered in the name of Boota Singh's wife. It has been submitted that he was driving on the instructions of his employer i.e. co-accused Boota Singh and as such cannot be attributed conscious possession of the contraband allegedly recovered from boot of the vehicle.
4. Opposing the petition, learned State counsel has submitted that since it is a case of recovery of 'commercial quantity' of 'Poppy Husk', no case for grant of regular bail is made out. It has however, been informed that the petitioner has been behind bars since the last more than 1 year and 3 months and till date only one out of the cited 12 PWs has been examined.
5. Having regard to the facts and circumstances of the case, it would certainly be debatable as to whether the petitioner would be in conscious possession of recovered contraband. Further the trial in its normal pace is likely to consume some time as only one out of the cited 12 PWs has been examined so far. In these circumstances, further detention of the petitioner would not serve any useful purpose. The petition, as such, is accepted and the petitioner 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.

May 16, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No