

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

CRM-M-16442-2019 (O&M)
Date of Decision:-22.7.2019

Gopi Ram ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurmeet Singh Saini, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Sr. DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.33 dated 8.5.2018 registered at Police Station Bahav Wala, District Fazilka under Sections 22/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985.

It is the case of prosecution that on 8.5.2018, when the police party was patrolling, then two persons were seen coming on a motorcycle and were signaled to stop. The motorcycle was being driven by the petitioner while Dilli Ram was sitting on the pillion seat and a plastic bag was kept in between both of them. A search of the plastic bag led to recovery of 380 strips containing 10 tablets each of 'tramadol'.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the pillion rider had taken lift from the petitioner when he was returning back to his village and that the petitioner had no knowledge as to what the accused Dilli Ram was carrying in the plastic bag held by him. The learned counsel has further submitted that infact during the course of inquiry, the police had verified the said fact and had presented cancellation report against the petitioner upon find that the petitioner had no knowledge about the contraband being carried by Dilli Ram, who had taken lift from the petitioner.

Opposing the petition, the learned State counsel has submitted that since the aforesaid cancellation report was not accepted and it is a case of recovery of commercial quantity of contraband, no case for grant of regular bail is made out.

I have considered rival submissions addressed before this Court.

It will certainly be mootable as to whether the petitioner can be attributed conscious possession of the contraband, since the recovery was effected from the pillion rider and the contention of the petitioner that he had given lift to the pillion rider, at one stage, had found favour with the investigating agency.

Having considered rival submissions addressed before this Court and without commenting any further on merits of the case more particularly while noticing that the petitioner is not involved in any other case, the petition is accepted and the petitioner Gopi Ram is ordered to be

released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

The petition stands accepted accordingly.

22.7.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No