

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19005-2019
Date of decision: 03.05.2019

Aman Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Bishnoi, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of regular bail in FIR No.12 dated 10.01.2019 under Section 15 of NDPS Act, registered at Police Station Rania, District Sirsa.

First petition seeking regular bail was termed as interim bail and the petitioner was released on interim bail awaiting the FSL report.

Learned counsel for the petitioner submits that the petitioner has surrendered back before the trial Court on 22.04.2019, after receiving the FSL report. It is further submitted that as per allegations in the FIR, ASI Baljit Singh stopped a car and on suspicion, he apprehended three persons sitting in the car. Driver of the car disclosed his name as Rajesh Kumar, the person sitting on the co-driver seat disclosed his name as Virender and the person sitting on the rear seat disclosed his name as Aman Kumar (petitioner). On checking of the car,

some suspicious narcotic substance was found. A separate notice was given to the petitioner under Section 50 of NDPS Act and as per his consent, DSP Ravinder Kumar was called at the spot telephonically. Thereafter, on search of the car, plastic bags were recovered from the trunk (dikki) of the car, which contain 40 kg of *doda chura post* (poppy husk).

Learned counsel for the petitioner has argued that in fact, owner and driver of the car is co-accused Rajesh Kumar and in the personal search, nothing was recovered from the petitioner and therefore, it will be a debatable issue whether the petitioner was in conscious possession of the contraband or not. Learned counsel further submits that the petitioner is in custody for the last 02 months and 25 days; he is not involved in any other case and has not misused the concession of interim bail, which was granted by this Court till receiving of the FSL report.

Learned State counsel, on instructions from ASI Mahender Singh, has not disputed the factual position.

Without commenting anything further on merits of the case, considering the aforesaid submissions made by learned counsel for the petitioner, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

03.05.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No