

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No. 20126 of 2019
Date of Decision:-10.05.2019**

Hari Om

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Hari Om has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0011 dated 24.2.2019, under Section 15 of the NDPS Act, 1985, registered at Police Station Balachour, District SBS Nagar.

As per FIR, on 24.2.2019 when the police party with regard to patrolling and checking of suspicious persons was present at 'T' point, Raju Majra, then one Tata 407 bearing registration No.PB-11-CQ-0286 covered with tripall was standing near the 'T' point on Raju Majra side. Driver of the said vehicle already ran away. When the vehicle was checked by the police party after opening the tripall, there were heavy plastic bags in the

vehicle were lying, which on counting were found 23 in numbers. After opening the same, poppy husk was recovered from the bags, which on weighment was found to be 05 quintals, 33 kilograms and 300 grams. From search of the dashboard of the vehicle, registration certificate of the vehicle in the name of petitioner and coloured copy of driving licence of the petitioner were also found. In this background the FIR was registered.

Learned counsel for the petitioner has contended that the petitioner is though the owner of the vehicle, in question, but the same was given on rent to one Billa s/o Subash, resident of Village Raju Majra, Tehsil Balachaur, District SBS Nagar, who used to ply the said vehicle for loading the goods. Petitioner was also not in his knowledge that what goods are lying in his vehicle at the time when the vehicle was lying on the road. He further submits that it is a case of chance recovery and the petitioner was also not present at the spot. He further submits that the vehicle has been misused by said Billa.

On the other hand learned State counsel has opposed the prayer for grant of relief to the petitioner on the ground that heavy quantity of poppy husk weighing 05 quintals, 33 kilograms and 300 grams was recovered from the vehicle Tata 407 belongs to the petitioner and on search, registration certificate of the said vehicle in the name of petitioner as well as copy of driving licence of the petitioner were found from the vehicle, which connect the petitioner from the crime.

After hearing learned counsel for the parties, this Court is of the opinion that at this stage the argument of learned counsel for the

petitioner is not acceptable, particularly when the vehicle, in which huge quantity of contraband was recovered, belongs to the petitioner. As per prosecution, the driver was not apprehended from the spot.

Resultantly, no ground for grant of bail to the petitioner is made out.

The petition is hereby dismissed.

May 10, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No