

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

CRM-M-25687-2019 (O&M)

Date of Decision: 23.07.2019

Sukhpal Singh @ Soma

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE MANOJ BAJAJ

Present : Ms. Manjot Kaur, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, D.A.G. Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.215 dated 20.08.2018 registered under Section 15 of NDPS Act at Police Station Patran, District Patiala.

The prosecution case is that on 20.08.2018, the police party headed by ASI Darbara Singh present at Patran Moonak Road, bypass Hamjheri received a secret information that Gurjant Singh and Sukhpal Singh @ Soma (petitioner) were selling poppy husk. Then a naka was set up and 240 Kgs of poppy husk was recovered from the canter, which was stored beneath the 207 plastic bags of loose spun threads. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner contends that the petitioner is not the owner of the truck from which the alleged contraband was recovered on 20.08.2018. It is contended that the contraband was concealed beneath the 207 plastic bags of loose spun threads. According to him, there is nothing to indicate that the petitioner is in conscious possession of the

alleged contraband.

On the other hand, learned State counsel assisted by ASI Jaswant Singh has opposed the bail application on the ground that the statement of the employer is recorded wherein it is mentioned that the petitioner is the driver of the said truck.

At this stage, learned counsel for the petitioner contends that it would be a matter of evidence as to whether the petitioner was aware of the concealed contraband and it is for the prosecution to prove the conscious possession of the contraband with the petitioner.

Considering the above background and the fact that trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

23.07.2019
rajeev

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No