

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

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CRM-M-27825-2019(O&M)

Date of decision :14.08.2019.

Baljit Singh

.....Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Ramandeep Kaur wife of Baljit Singh, petitioner.

ANIL KSHETARPAL, J. (ORAL)

Prayer in the petition is to grant regular bail in FIR No.24, dated 02.03.2019, registered under Section 15 of the NDPS Act, 1985, at Police Station Maloud, District Khanna.

The case set up by the prosecution is that the petitioner was travelling with Partap Singh in a Bolero vehicle and from the boot of the aforesaid vehicle, 80 Kg. poppy husk was recovered.

It is the case of the petitioner-accused that the vehicle in question does not belong to him and he had boarded the vehicle as a passenger against payment of Rs.300/- and, therefore, petitioner was not in conscious possession of the narcotics recovered.

ASI Sukhdev Singh, the Investigating Officer, who is present in Court, has admitted that the petitioner is not involved in any other case and the vehicle in question belongs to other co-accused, namely, Partap Singh. He further admits that the investigations are complete and challan has been presented in the Court on 06.08.2019.

Completion of trial of the case is likely to take time. Petitioner is in judicial custody and he is not involved in any other case under NDPS

Act. It is debatable as to whether the petitioner was in conscious possession of Narcotics recovered.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in judicial custody, not involved in any other case under NDPS Act and the trial of the case is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly the petition is allowed with the aforesaid directions.

August 14, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No