

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

205

CRM-M-27917-2019

Date of decision: 03.12.2019

Sukhpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.20 dated 20.02.2019 under Sections 21 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the NDPS Act”) registered at Police Station City Budhladha, District Mansa.

Learned State counsel has appeared and opposed the bail application.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was only driving the motorcycle. The pillion rider was having the bag containing the contraband. The petitioner cannot be said to be aware of the contents thereof and to be in conscious possession of the contraband. Mandatory provisions of the NDPS Act were not complied with. The petitioner is not involved in any other case under the NDPS Act. The petitioner is in custody since 20.02.2019. The trial is likely to

take long time. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner is accused of having committed serious offences by keeping commercial quantity of the contraband in his conscious possession alongwith his co-accused and the petitioner does not deserve the concession of regular bail.

However, learned State Counsel has conceded that the petitioner is not involved in any other case under the NDPS Act.

Keeping in view the facts and circumstances of the case, involvement of the question as to whether the petitioner can be said to be in conscious possession of the contraband recovered from his co-accused Balwinder Singh and the fact that he is not involved in any other case under the NDPS Act which by implication satisfies both the conditions of Section 37 (1) (b) of the NDPS Act, the period of his custody and the fact that the trial is likely to take long time but without expressing any opinion on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail. Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of Trial Court/Chief Judicial Magistrate, Mansa. However, in case of commission of any offence under the provisions of the NDPS Act by the petitioner in future, his bail in the present case shall also be liable to be cancelled on filing of application in this regard.

03.12.2019

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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