

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-36748 of 2019
Date of Decision: 25.09.2019**

Parbin Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

2. CRM-M-36756 of 2019

Sonu Kumar @ Sonu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anil Kumar Garg, Advocate
for the petitioners in both the petitions.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

SURINDER GUPTA, J.(Oral)

The present petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No.47 dated 25.04.2019 registered for offences punishable under Sections 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Daba, District Police Commissionerate Ludhiana, District Ludhiana.

Heard.

As per case of prosecution, the police on the basis of secret information stopped a three-wheeler bearing registration no. PB-10-DE-1291 of Manpreet Singh @ Mani in which petitioners, namely, Parbin Kumar and Sonu Kumar @ Sonu and one Vijay Kumar were sitting. They were apprehended on the basis of suspicion and on personal search of

petitioners conducted separately, 13 kgs. of Ganja was recovered from possession of each of them. From the third co-accused, 8 kgs. of Ganja was recovered.

Learned counsel for the petitioners submits that it was a separate recovery from each of the accused and quantity of contraband recovered from their possession falls in the category of non-commercial quantity. They were arrested on 25.04.2019 and the police after completion of investigation has presented challan in Court, where conclusion of trial will take considerably long time, as such, petitioners in both the petitions may be allowed benefit of regular bail.

Learned State counsel submits that all the three accused were travelling in one three-wheeler with Ganja in their possession. They had common motive to sell Ganja and to earn money, as such, it was a common recovery from all the three accused, which falls in commercial quantity of contraband.

As per recovery memo prepared by the police, sperate recoveries were made from petitioner-Parbin Kumar and petitioner-Sonu Kumar @ Sonu. It will be a matter for consideration before the trial Court on the basis of prosecution evidence as to whether all the occupants of the three-wheeler were in conscious possession of the contraband recovered from all the three occupants.

Without expressing any opinion on the aforesaid issue and keeping in view the fact that conclusion of trial will take considerably long time, present petitions are allowed. Petitioners in both the petitions, namely, Parbin Kumar and Sonu Kumar @ Sonu are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction

of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality the petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

September 25, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No