

CRM-M-10835-2020

Date of decision: 10.08.2020

Rohit

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Prabhjot Singh Bedi, Advocate
for the petitioner.Mr. Amit Mehta, Senior DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J.(ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The allegations, against the petitioner-Rohit in this first regular bail application under Section 439 Cr.P.C filed in a case bearing FIR No.124 dated 26.11.2019 under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substance Act (Sections 61 and 85 of Narcotic Drugs and Psychotropic Substance Act added later on) registered at Police Station Special Task Force, Phase-4, Mohali, District SAS Nagar are as follows:-

The present case was got registered on the basis of secret information intimating the police that accused/petitioner-Rohit along with his co-accused/non-applicant-Vishal Kumar and Davinder Singh Kumar were involved in illegal selling of heroin. On the basis of this information, the police apprehended all these three persons on a scooter without number plate and from search of the same, contraband of 835 grams of heroin was got recovered.

Learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bars since 26.11.2019 and that the scooter is in the name of co-accused in which the petitioner has no role to play. The counsel has further contended that the recovery is marginally higher than the small quantity.

The learned State counsel has strongly opposed the relief on the ground of heinousness of the offence and that commercial quantity of heroin is recovered which does not entitle the petitioner any relief of bail.

Appreciating the submissions of the two sides, admittedly, as is there on the records, commercial quantity of heroin has been recovered from the conscious possession of the accused. The plea of ownership of the vehicle is a matter to be adjudicated at the time of trial. Keeping in view that State is reeling under the affects of contrabands which has severely undermined the society and the people of the State necessitates taking a serious view of such nefarious trade. In light of the amount of contraband recovered, this

Court is not inclined to allow the present petition at this stage.

The present petition stands dismissed.

10.08.2020

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No