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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12667 of 2020
Date of decision : 08.07.2020

Nanak Dass

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: Hon'ble Mr. Justice G.S. Sandhwalia

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner

Mr. H.S.Sullar, Addl. AG, Punjab.

(The proceedings have been conducted through Video
conferencing as per instructions.)

G.S. Sandhwalia, J. (Oral)

The petitioner seeks regular bail in FIR No.81 dated 9.4.2020 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station, Phillaur, District Jalandhar (Rural), Punjab.

The petitioner was apprehended on account of secret information received by the police alongwith one Ravi Kumar when they were travelling from Ludhiana to Phillaur in Swift Dzire car. The recovery from the petitioner is stated to be 200 Grams of heroin whereas 100 Grams heroin was recovered from co-accused Ravi Kumar. The regular bail has been dismissed by the Addl. Sessions Judge, Jalandhar on account of the fact that recovery of contraband from both the accused falls under commercial quantity. Admittedly the investigation is completed and the challan was presented on 18.6.2020 as intimated by the counsel for the State.

Counsel for the petitioner submits that in another case bearing FIR No.149 dated 26.7.2019 under Section 21 of NDPS Act, 1985, registered at Police Station, Kotwali, Kapurthala, the petitioner has been released on interim bail on 2.9.2019 by the Judge, Special Court, Kapurthala on account of awaiting of FSL report. It is submitted that the said bail is stated to be extended in view of the order passed in CRM M-11952 of 2020 on account of the outbreak of Covid-19.

Keeping in view the fact that the contraband recovered from the petitioner as such is below the commercial quantity and it would be a moot point as to whether he is liable to be convicted for the conscious possession of contraband which was carried by his co-accused. Accordingly, this Court is of the opinion that the petitioner is liable to be released on bail.

Ordered accordingly.

Accordingly petitioner be released on regular bail to the satisfaction of the Illaqua/Duty Magistrate, Jalandhar.

Accordingly the present petition stands allowed.

08.07.2020
Pka

(G.S. Sandhawalia)
Judge