

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

CRM-M No.15517 of 2020
Date of decision: 1st July, 2020

Moin Ali @ Moin Khan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sanpreet Sandhu, Advocate for the petitioner.
Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Moin Ali alias Moin Khan has moved this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.131 dated 07.04.2020 under Sections 21(B) and 22(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 pertaining to Police Station Sadar Yamuna Nagar. The allegations are that on 07.04.2020 the accused was apprehended driving an Ambulance and from search of the same 31,400 tablets of Tramadol Hydrochloride 100 mg Clovidol 100 SR were recovered and the total weight of this contraband came to be 12.560 kilograms for which the accused could not show any authorization.

Learned counsel for the petitioner Mr. Sanpreet Sandhu, Advocate inter alia contends that the petitioner happens to be only driver of the Ambulance and there is no element of conscious possession and on account of COVID-19 situation, trial is not likely to be concluded in the near future.

Learned State counsel Mr. Baljinder S. Virk, Dy. Advocate General, Haryana though has not displaced the facts but has stoutly opposed grant of bail on the grounds of heinousness of the offence and being massive quantity of contraband recovered.

Going through the submissions of the two sides, admittedly the petitioner happens to be driver of the Ambulance from which the contraband has been recovered. The question of his conscious possession is subject to trial and all the defences are supposed to be considered at the time of trial. In the light of massive quantity of contraband recovered, it is not a fit case to allow bail, which is declined and the present petition stands dismissed accordingly.

(FATEH DEEP SINGH)
JUDGE

July 1, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No