

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

CRM-M- 16094-2020 (O&M)

Date of Decision:13.08.2020

Sunil Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

In compliance of the order dated 28.07.2020 passed by this Court, reply by way of affidavit of the Senior Superintendent of Police, Sri Muktsar Sahib along with Annexures R-1 and R-2 has been filed and the same is taken on record.

Petitioner seeks benefit of regular bail pending trial in case FIR No.51, dated 07.04.2020, under Section 22 of the NDPS Act, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Counsel for the parties have been heard.

As per prosecution version, it was a chance recovery whereby two persons were riding the motorcycle and from the handle of the motorcycle a plastic bag had fallen down and where from 1000 tablets were recovered. As per FSL report, the tablets were found to be containing Tramadol Hydrochloride.

It is the contention raised by counsel that the present petitioner was only a pillion rider. He was not even the owner of the motorcycle. No recovery has been effected from the conscious possession of the petitioner.

During the course of arguments, it has gone uncontroverted that the petitioner is not involved in any other case under the NDPS Act.

Petitioner was arrested on 07.04.2020.

Investigation in the case is complete and the challan has been presented.

Trial is at the initial stage and would take time to conclude particularly keeping in view the current Covid-19 situation.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

13.08.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |