

THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20366-2020 (O&M)

Date of Order:14.08.2020

Satvir Singh @ Satta

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Kiran Bala Jain, Advocate,
for the petitioner

Mr. Chetan Sharma, AAG, Haryana

Mr. Sanjay Vashisth, Advocate,
for the Union of India.

ANIL KSHETARPAL, J.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure for grant of bail pending trial in a criminal case arising from NCB Criminal Complaint No.71, dated 16.12.2019, registered under Section 8/18/20/25/29/60 & 62 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station, NCB, Chandigarh.

In brief, the case of the prosecution is that on the basis of secret information, a motor car was intercepted which was driven by the petitioner, whereas, co-accused Ram Chander was the other occupant of the car. The team of Narcotics Control Bureau wanted to search the vehicle, however, Ram Chander and Satvir Singh @Satta, the petitioner, disclosed that opium and charas has been concealed by them in empty space behind the fiber

panel of the left hand side door. Thereafter, Ram Chander with the help of one screw driver opened the fiber panel of the left hand side door of the vehicle and took out 5 packets of opium and one packet of charas which on weighment were found to contain 4.800 Kg. 'Opium' and 500 gram 'Charas'.

Reply to the petition has been filed by the Narcotics Control Bureau.

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioner contended that the petitioner was merely driving the motor car as the same belongs to Ram Chander. She further contended that the petitioner has no role to play and therefore, the petitioner cannot be said to be in conscious possession of the narcotics.

On the other hand, learned counsel appearing for the Narcotics Control Bureau has submitted that Ram Chander is also involved in 3 more criminal cases under the Narcotic Drugs and Psychotropic Substances Act, 1985. He further submitted that as per call detail record, certain calls have been exchanged between the petitioner and Ram Chander.

This court has considered the submissions.

Along with the reply, statements of both the accused under Section 67 of the Narcotic Drugs and Psychotropic Substances Act, 1985 have been annexed. From the reading of the statement of Ram Chander, it is apparent that the petitioner was only travelling with Ram Chander as a friend and had no connection with the narcotics recovered.

Learned counsel appearing for the Narcotics Control Bureau has admitted that the petitioner does not have any criminal antecedents. The petitioner and Ram Chander are residents of the same village. The

petitioner is in custody since 16.12.2019.

It is not disputed before this Court that 500 gram 'Charas' allegedly recovered does not fall in commercial category, however, 4.800 Kg. 'Opium' do fall in the commercial category.

Keeping in view the aforesaid facts and without commenting on merits of the case, the petitioner is directed to be released on bail subject to furnishing of personal bail bond and adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, the present petition is allowed with the aforesaid directions.

14th August, 2020
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No