

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

CRM-M-20382-2020 (O&M)
Date of decision : 10.08.2020

Mukesh Kumar @ Mintu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for bail pending trial in a criminal case arising from FIR No.79 dated 24.08.2019 registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter to be referred as “ the 1985 Act”), at Police Station Special Task Force District STF Wing (Phase IV), SAS Nagar, Mohali.

As per the case of the prosecution, 418 grams of heroin was recovered from a motorcar occupied by the petitioner alongwith the other co-accused.

Learned counsel for the petitioner contends that the petitioner was a mere passenger and the recovery is from the dashboard of the car and hence, the petitioner can not said to be in conscious possession of the narcotics.

On the other hand, learned counsel for the State has submitted that the petitioner is a habitual offender. He is involved in FIR No.38 dated 14.03.2019 registered at Police Station Shimlapuri under Section 21 of the 1985 Act.

The recovered narcotics fall in the commercial category. In these circumstances, this Court is not inclined to grant bail to the petitioner.

Accordingly, the present petition is dismissed.

10.08.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No