

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

208

**CRM-M-20543-2020
Decided on : 11.08.2020**

Ravi Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Siddharth Sharma, Advocate for the petitioner (s).

Mr. Hitten Nehra, Addl. AG, Punjab.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in FIR No.81 dated 09.04.2020 under Section 21 of the NDPS Act, 1985 registered at Police Station Phillaur, District Jalandhar (Rural).

The petitioner alongwith Nanak Dass was apprehended while travelling in a Dezire Car, on the basis of secret information received. On search 100 gms Heroin as such has been recovered from the petitioner, whereas 200 gms Heroin was found in the possession of co-accused Nanak Dass. The bail application was dismissed by the Additional Sessions Judge, Jalandhar on account of the fact that the recovery of the contraband recovered from both the accused fell under commercial quantity.

Counsel for the petitioner has submitted that co-accused Nanak Dass had been granted the benefit of regular bail in CRM-M-12267-2020 on 08.07.2020 (Annexure P-4) by noting that the investigation is complete and

the challan has been presented on 18.06.2020. It has also been noted that it would be a moot point whether he is liable to be convicted for the conscious possession of contraband, which has been carried by his co-accused.

Keeping in view the fact that the petitioner was carrying 100 gms Heroin, which is not a commercial quantity and has undergone 4 months in custody, as per the custody certificate dated 10.08.2020, he is entitled for the benefit of bail as there is no other case against him.

Accordingly, the present petition is allowed. The petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Illaqua Magistrate/Duty Magistrate, Jalandhar.

AUGUST 11, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No