

CRM-M-20614-2020

Date of decision: 30.07.2020

SAYYAD ALI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Arjun Veer Sharma, Advocate
for the petitioner.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI, J. (ORAL)

Briefly, the FIR bearing No.112 dated 31.07.2018 under Section 22 of Narcotics Drugs and Psychotropic Substances Act, 1985 Police Station Mukerian, District Hoshiarpur has been registered in pursuance of the recovery of 1000 tablets from the possession of the petitioner and co-accused namely, Rajesh Kumar @ Sethi. The petitioner was driving a motorcycle and the co-accused was holding a black colored bag.

It has been contended by the learned counsel for the petitioner that there is lack of material to indicate that the petitioner was in conscious possession of the contraband.

It may be mentioned here that in the instant case, the petitioner was driving a motorcycle and the contraband has been recovered from the joint conscious possession of the petitioner and the co-accused. It will be too early to conclude that the petitioner was innocently driving the motorcycle without having the knowledge of contraband being carried by the co-accused as a

pillion rider. The quantity of contraband recovered from the possession of the accused falls in the category of commercial quantity. As such stringent provisions of Section 37 of the NDPS Act come into play. There is nothing to suggest that the petitioner has not committed offence and is not likely to commit the offence while on bail.

In view of the above, the present petition is dismissed.

30.07.2020
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(VIVEK PURI)
JUDGE

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