

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

**CRM-M-22769-2020 (O&M).
Date of Decision: August 19, 2020**

LAKHVIR SINGH @ LAKHI @ LAKHBIR SINGH

..... Petitioner(s)

Versus

STATE OF PUNJAB

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vishal Deep Goyal, Advocate
for the petitioner.

Mr. Ramdeep P. Singh, D.A.G., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner prays for grant of bail pending trial in FIR No.60, dated 17.03.2020 under Section 15 of the NDPS Act, registered at Police Station Rama Mandi, District Police Commissionerate Jalandhar, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner, who is not involved in any other criminal case, has been falsely implicated in the above mentioned FIR. As per the allegations in the FIR, the truck driven by the present petitioner was apprehended by the police authorities

and three bags containing 20 kilograms poppy husk each, were allegedly recovered from the truck, in which four small tractors and iron pipes used for bore, were also being carried. The petitioner, it is submitted was only the driver of the truck and was accompanied by the Cleaner. Furthermore, the mandatory provisions of NDPS Act, it is submitted, were not complied with. Learned counsel for the petitioner further contends that even if the allegations in the FIR are taken on its face value, though specifically denied, conscious possession of the petitioner is not proved. Furthermore the contraband, allegedly recovered from two persons is marginally over the commercial quantity. He relies upon the decision in *Satinder Singh @ Gaggu vs. State of Punjab*, (2018) 3 Law Herald 2674. The challan in this case stands presented and no recovery has to be effected from the petitioner. It is, thus, prayed that this petition be allowed.

Learned counsel for the State while opposing the bail application submits that the contraband in any case cannot be split, even though the recovery is from two persons. However, it is verified on instructions from ASI Jasvir Singh that the petitioner is not involved in any other criminal case and the final report under Section 173 Cr.P.C. stands presented. The contraband allegedly recovered is 60 kilograms of poppy husk which is marginally over the commercial quantity of 50 kilograms.

There is no allegation that the petitioner is likely to abscond or influence witnesses. Due to situation created by the outbreak of the pandemic COVID-19 trial in this case is not likely to be concluded in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

19.08.2020
Sunil

(LISA GILL)
JUDGE

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