

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26301 of 2020
Date of Decision : 11.09.2020

Mohd. Kasib @ Mohd. Kashif and another

...Petitioners

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Arav Gupta, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

In the present petition the prayer of the petitioners is for the grant of regular bail to them in respect of the FIR No.85 dated 30.07.2019 under Section 15 of NDPS Act, 1985 registered at Police Station City-II Malerkotla, District Sangrur.

Learned counsel for the petitioners argues that the petitioners have been falsely implicated in the present FIR and there is no truth in the allegations, which have been alleged in the FIR that recovery of 80 kg of poppy husk was done from a truck belonging to the petitioners. Learned counsel for the petitioners further argues that the petitioners had approached this Court prior to the registration of the FIR alleging that they have apprehension of threat to their life and liberty at the hands of some police officers. Learned counsel for the petitioners states that there is no material

with the respondents to connect the petitioners with the alleged recovery of the contraband and the petitioners are behind the bars for the last more than 01 year and, therefore, they are entitled for the grant of regular bail.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceeding through video conference, keeping in view the service of advance copy of petition submits that the present recovery has been done from the truck belonging to petitioner No.1 and at the time of recovery, both the petitioners were present in the said truck. Learned State counsel further submits that the recovery of the banned substance is of commercial quantity and the stage of the trial is such that the prosecution witnesses are yet to be examined and, therefore, the prayer of the petitioners for the grant of regular bail may kindly be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is not disputed that at the time of recovery of the banned substance i.e. 80 kg of poppy husk from the truck belonging to petitioner No.1, both the petitioners were in the said truck. That being so, the recovery of the banned drug has been done from the petitioners. Petitioners have not been able to explain their contention that they have no relation with the banned substance, once recovery of the 80 kg poppy husk was done from the truck while they were present in the truck. The recovery of the banned drug is also of the commercial quantity, for which, no explanation has been given by the petitioners.

With regard to the allegation that the petitioners have been falsely implicated at the instance of some police officers, the same is a matter of evidence, which will come during trial. No cogent material is

placed before this Court to substantiate the said allegation as of now. The petitioner's plea that the petitioners have been falsely implicated in the present case cannot be accepted, at this stage, as the evidence to the said effect is yet to be recorded and the said assertion is yet to be proved.

Once the quantity, which has been recovered from the petitioners of the banned substance is commercial in nature and keeping in view the stage of trial when the prosecution evidence is yet to be led, no ground is made out to grant the benefit of regular bail to the petitioners, at this stage.

Accordingly, the present petition is dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 11, 2020
aarti/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

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