

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

CRM-M-31179-2020

Date of decision: **9.10.2020**

SURENDER KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Gourave Bhayya Gilhotra, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Harayana.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.396 dated 4.9.2020 under Section 15 NDPS Act at Police Station Rania, District Sirsa.
2. It is the case of prosecution that on 4.9.2020 that during the course of patrolling the police party came across a vehicle in which 2 persons were sitting. Upon inquiry the driver of the said vehicle disclosed his name as Rajpal alias Raju while the passenger on the front seat disclosed his name as Surender Kumar (petitioner). It is further the case of the prosecution that upon search of the vehicle '*poppy husk*' weighing 13.100 kilograms was recovered from the boot of the vehicle.
3. Learned counsel for the petitioner has submitted that he has falsely been

implicated in the present case and in any case case he cannot be attributed conscious possession of the contraband allegedly recovered from the vehicle as he was not having any domain over the vehicle in question, which was being driven by Rajpal alias Raju.

4. Opposing the petition, learned State counsel upon instructions from SI Rajinder Singh has submitted that '*Challan*' is yet to be presented and the petitioner as on date has been behind bars since last more than 1 month and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regards to the facts and circumstances of the case and while bearing in mind that it is a case of recovery of non-commercial quantity of contraband i.e. '*poppy husk*' which is the mildest form of contraband and while noticing that the petitioner is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9.10.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**