

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

CRM-M-33445-2020 (O&M)

Date of decision: 03.11.2020

Bobby

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Prashant Vashisth, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for bail pending trial in a criminal case arising from FIR No.56, dated 29.04.2020, registered under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter to be referred as “the Act of 1985”), at Police Station Special Task Force (STF) Phase-4, SAS Nagar, Mohali.

As per the case of the prosecution, three accused i.e. the present petitioner, Arjun Rai and Kashmiri, were apprehended with 810 grams heroin.

Learned counsel for the petitioner contends that the recovery is from the storage space in a scooter and, therefore, the petitioner cannot be said to be in conscious possession of the narcotics.

On the other hand, Mr. Luvinder Sofat, AAG, Punjab, has

contended that in view of the statutory presumption, the petitioner cannot feign ignorance.

This Court has considered the submissions and perused the paper book.

The recovery in the present case falls in the category of commercial quantity. On completion of investigation, the challan has already been presented in the trial court.

Without commenting on the merits of the case, no ground to grant bail to the petitioner is made out keeping in view the rigors of Section 37 of the Act of 1985.

Accordingly, the present petition is dismissed.

03.11.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No