

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

**CRM-M No.33660 of 2020
Date of Decision : 18.11.2020**

Tasbir Singh alias Tasveer Singh alias Bhalwan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Brijesh Nandan, Advocate
for the Petitioner.

Mr. B.S. Sewak, Addl. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.13, dated 10.06.2017, registered under Sections 21/25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) and Section 25 of the Arms Act, 1959 at Police Station State Special Operation Cell, District Amritsar.

2. The Petitioner has remained in detention for more than 3 years and 5 months after his arrest, as can be verified from the Custody Certificate available on record.

3. Ld. Counsel for the Petitioner seeks his client's release by contending that no recovery was actually effected from him and there is no record of his involvement in any case under the NDPS Act.

4. The prayer for Bail is nevertheless opposed on behalf of the State.

5. It has been made out in the FIR that the Petitioner was arrested along with co-accused, namely, Sukhbir Singh. The Petitioner is reported to have been

riding as a pillion rider on the motorcycle bearing No.PB-46-L-4194 which was being driven by the said Sukhbir Singh, who was carrying a black bag on his back.

6. After stopping them, the Police Authorities allegedly recovered contraband in the form of 6 kilograms of *Heroin* from the bag being carried by Sukhbir Singh.

7. In this view of the matter, it can not be concluded that no recovery from the conscious possession of the Petitioner was effected, because being a pillion rider he would certainly have been conscious of the bag which was hanging between him and front rider of the motorcycle, who was carrying such bag on his shoulder.

8. The recovery effected is in excess of the commercial quantity. It further transpires that by now 11 out of 20 witnesses cited in the Challan have already been examined in the Ld. Trial Court. The next date fixed for that purpose happens to be 2nd of December.

9. In these circumstances, considering the huge quantum of recovery effected from the co-accused, who was driving the motorcycle on which the Petitioner had also been travelling as a pillion rider, this does not appear to be a fit case to release the Petitioner on bail, at this stage.

10. Dismissed.

November 18, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No