

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-37256-2020 (O&M)
Date of Decision:- 21.12.2020

Surjeet Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. B.S.Saroha, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by SI Om Parkash.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.213, dated 30.8.2020, Police Station Sadar Ratia, District Fatehabad, under Section 18 of NDPS Act.
2. The allegations in nutshell are that the petitioner alongwith his co-accused Satpal Singh was intercepted by the police while they were

going on a motorcycle which was being driven by the petitioner. While the search of the petitioner and the motorcycle did not yield recovery of any contraband, the search of co-accused Satpal @ Sattu, who was sitting on a pillion seat, led to recovery of 1.40 kgs of 'Opium'.

3. The learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, still it will be debatable as to whether the petitioner can be attributed conscious possession of the contraband allegedly recovered from the co-accused. It has further been submitted that in any case, the recovered contraband would fall within the category of non-commercial quantity and that the co-accused from whose possession the same was recovered had already been released on bail vide order dated 10.12.2020 passed by this Court.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner happens to be involved in three other identical cases, no case for grant of bail is made out. The learned State counsel has also informed that the petitioner has been behind bars since the last about 4 months and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.
6. It is not disputed that it is a case of recovery of a non-commercial quantity of 'Opium' and which was recovered from the possession of co-accused who was sitting on a pillion seat of a motorcycle which was driven by the petitioner. The co-accused has already been

released on bail vide order dated 10.12.2020 and the challan already stands presented. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

December 21, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No