

**208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-40968-2020
Decided on : 11.12.2020

Sewak Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Deepanjay Sharma, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.58 dated 11.06.2020 registered under Sections 15/18 of NDPS Act 1985 at Police Station Baghapurana District Moga.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the FIR in question. He submits that he had merely taken a lift in the vehicle of co-accused Amritpal Singh. Thereafter during a routine naka conducted by the police, the alleged recovery of 100 kg of poppy husk from the car and 22 gms of opium from the person of co-accused Amritpal Singh was effected. It has been submitted that it is thus evident that the petitioner had no role whatsoever in the transportation of the alleged contraband and he had been implicated in the case in hand only because he was travelling in the aforesaid vehicle. He also contends that since there were two persons travelling in the vehicle, hence, the alleged recovery shall have to be divided amongst the two

passengers which would come to 50 kg poppy husk each. Hence, he prays for concession of regular bail to the petitioner.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has submitted that the petitioner was earlier also involved in another case under NDPS Act. However, the petitioner earned an acquittal in the aforesaid case on account of certain lapses by the police officials for which the concerned officials were issued show cause notice as well.

Heard.

In view of the huge recovery of contraband from the petitioner, which admittedly falls within the commercial quantity, the petitioner does not deserve the concession of regular bail.

Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

11.12.2020
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No