

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

CRM-M-43949-2019 (O&M)  
Date of Decision:-9.1.2020

Karnail Singh @ Kala

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Sandeep Verma, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

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**GURVINDER SINGH GILL, J.**(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.169 dated 6.10.2018 at Police Station Samana, District Patiala under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The case of the prosecution is that on 6.10.2018 when the police party was patrolling then they noticed a white coloured car parked in suspicious circumstances under the bushes. Upon checking of the car it was found that there were four plastic bags lying on the rear seat which were found to contain 70 Kgs. of 'poppy husk'.
3. During the course of inquiries and investigation the police came to the conclusion that the vehicle in question was being used by the petitioner and consequently the petitioner came to be arrested.

4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that neither he was found at the spot nor the vehicle in question is owned by him.
5. Opposing the petition, the learned State counsel, while admitting that the vehicle in question is not registered in the name of the petitioner, has submitted that during investigation it was found that the vehicle was being used by the petitioner. It has, however, been informed that the petitioner has been behind bars since the last more than six months and challan already stands presented.
6. I have considered rival submissions addressed before this Court.
7. Keeping in view the fact that the petitioner was not arrested at the spot and is not even stated to be the registered owner of the vehicle in question, it will certainly be debatable as to whether the petitioner can be attributed conscious possession of the recovered contraband. In any case, since the petitioner has been behind bars since the last more than six months and challan already stands presented, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time.
8. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**9.1.2020**

pankaj

**( Gurvinder Singh Gill )  
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No