

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.5401 of 2021 (O&M)
Date of Decision.11.02.2021
(Heard through VC)

Satveer

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rajesh K. Dadwal, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.81 dated 10.11.2020 under Sections 21/29 of the NDPS Act, 1985 registered at Police Station Aur, District SBS Nagar.

Counsel for the petitioner *inter alia* would contend that the petitioner has wrongly been implicated in the said FIR on an allegation that there is a recovery of 260 grams of intoxicant powder from the dash board of Swift Car bearing registration No.PB-07-BS-3996, which is marginally higher than the commercial quantity. It is argued that the said car does not belong to the petitioner herein and in fact, belongs to the co-accused Jatinder Kumar @ Gollu. The petitioner was just a passenger in the said car. It is further argued that question of possession of the alleged contraband would be a subject matter of trial, while further submitting that no other FIR is pending against the petitioner. The challan stands presented

and therefore, custodial interrogation of the petitioner would no longer be required.

Learned counsel appearing for the respondent-State opposes the bail application by submitting that the petitioner herein was travelling in the car from which a recovery of 250 grams of intoxicant powder has been effected.

I have heard learned counsel for the parties.

Keeping in view the fact that alleged recovery of the contraband is marginally higher than the commercial quantity and the challan has already been presented, coupled with the fact that the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind the bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/ surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

February 11, 2021

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No