

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

CRM-M-8888-2021

Date of decision: 02.03.2021

Ranjit Singh

.....Petitioner.

vs.

State of Punjab

.....Respondent.

CORAM: - HON'BLE MR. JUSTICE HARI PAL VERMA

Present: - Mr. Vinod Ghai, Senior Advocate with
Ms. Kanika Ahuja, Advocate, for the petitioner.

Mr. Sarabjit Singh Cheema, Assistant Advocate
General, Punjab.

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HARI PAL VERMA, J. (ORAL)

The matter has been taken up for hearing through
video conferencing due to outbreak of COVID-19.

Affidavit of custody dated 01.03.2021 is taken on
record.

Prayer in the present petition filed under Section 439
Cr.P.C. is for grant of regular bail to the petitioner in case FIR
No. 299 dated 18.07.2020 registered under Sections 22 and 25 of
the NDPS Act at Police Station Sadar Mansa, District Mansa.

The petitioner is stated to be in custody since
18.07.2020 for recovery of 22 vials of Wincirex (each 100 ML)
and 210 tablets of Carisoma effected in this case.

Learned senior counsel submits that the petitioner is in custody for 7½ months and was driver of the vehicle from where the contraband was recovered. A bag was lying on the rear side of the car where the co-accused Sandeep Sharma from different village was sitting. The moment wife of the petitioner came to know that the present FIR is registered, she represented to the police authority highlighting the false implication of the petitioner. He further submits that no other case is registered under the NDPS Act against the petitioner. The issue as to whether the petitioner was found in conscious possession of the contraband in this case is a debatable one.

Learned State counsel has not disputed the custody of the petitioner, however he submits that the petitioner is the driver and owner of the car from which the alleged contraband was recovered and therefore it is wrong to say that he was not in conscious possession of the alleged contraband.

I have heard learned counsel for the parties.

The petitioner is in custody since 18.07.2020 who was driving the car along with two others and a bag containing intoxicants was recovered from the rear seat of the vehicle where Sandeep Sharma one of the co-accused was sitting, against whom two other cases under the NDPS Act has been registered.

Considering the fact that the petitioner is in custody since 18.07.2020. The issue regarding conscious possession can only be established during the course of trial. As the trial is likely to be concluded in the near future and no other case is registered against the petitioner, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

(HARI PAL VERMA)
JUDGE

02.03.2021

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no