

220.

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

CRM-M-12086-2021

Date of decision: 24.03.2021.

SANDEEP SHARMA

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr. Randhir Singh Thind, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

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

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.299 dated 18.07.2020 registered under Sections 22/25 of NDPS Act, 1985 at Police Station Sadar Mansa, District Mansa.

The alleged recovery in the present case is 210 tablets of Carisoma and 22 vials of Wincirex (100 ML each). The petitioner along with two other accomplices was apprehended and said recovery was made from their possession.

Counsel for the petitioner submits that the petitioner is in custody since 18.07.2020. Merely because the petitioner was seated on the

rear seat and the recovery was effected from the seat does not *ipso facto* mean that the petitioner was in conscious possession of the alleged contraband. Though there are two other cases against the petitioner, but recovery in those cases was of 5 grams and 8 grams of heroine. He has relied upon order dated 02.03.2021 passed by this Court in ***CRM-M-8888-2021*** titled as ***Ranjit Singh Versus State of Punjab***, whereby the co-accused has been admitted on bail.

Learned State counsel has not disputed the custody. However, he has argued that since the recovery was effected from the rear seat where the petitioner was seated, the same brings the case within the meaning of conscious possession.

I have heard learned counsel for the parties.

Petitioner is in custody since 18.07.2020. The other co-accused has been admitted on bail. The question as to whether the petitioner was in conscious possession of the recovered contraband, is debatable one. Though there are two other cases against him, but recovery in those cases was 5 grams and 8 grams of heroine. Trial in the case is not likely to be concluded in the near future. Thus, 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/Duty Magistrate.

It is made clear that in case the petitioner is found indulged in any other case, the prosecution shall be at liberty to seek cancellation of his bail.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

24.03.2021
sanjeev

Whether speaking/reasoned	Yes/No.
Whether Reportable:	Yes/No.