

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

**CRM-M-13253-2021
Date of Decision : 03.12.2021**

Ankush

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Munish Behl, Advocate
for the Petitioner

Mr. R.S. Khaira, AAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.418, dated 27.12.2020, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sohana, District S.A.S. Nagar.

2. The Petitioner by now has remained in detention for 11 months and 1 day since 01.01.2021.

3. After completion of investigation, Challan against him has already been submitted.

4. There is no record of the Petitioner's involvement in any other case under the NDPS Act.

5. Ld. Counsel for the Petitioner has relied upon the decisions of certain Co-ordinate Benches of this Court in '**Sonu Kumar vs. State of**

Punjab' (CRM-M-16417-2019), 'Gurmeet Singh vs. State of Punjab' (in CRM-M-48987-2018) and 'Devinder Singh @ Lalli vs. State of Punjab' (in CRM-M-43266-2019). In each of those cases contraband exceeding commercial quantity was recovered from the vehicle in which the concerned Petitioners were travelling but not directly from their personal custody. In each case none of the Petitioners happened to be the registered owner of the concerned vehicle from which recovery was effected. Same is the position in the present case also and it transpires that co-accused namely Viney, who was apprehended along with the Petitioner, is the actual registered owner of the vehicle in question. The recovery was effected from the space meant for the *gear lever* in the car and not directly from the person of the Petitioner.

6. As such, considering the long detention undergone by the Petitioner and the fact that he is not the owner of the Vehicle from which the recovery was effected as also considering that trial is likely to take its own time as the first witness from the Prosecution side is yet to be examined, at this stage, the Petitioner is ordered to be released on bail to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

7. Disposed off.

December 03, 2021

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No