

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

CRM-M-19153-2021 (O&M)
Date of Decision:- 28.6.2021

Amrik Ram

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.K.S.Phoolka, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Jagtar Singh.

(Proceedings conducted through video conferencing)

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. 79, dated 21.5.2020, Police Station Bareta, District Mansa, under Section 22/25 and 29 of NDPS Act.
2. The allegations, as per FIR are to the effect that on 21.5.2020 the police had laid a 'naka' and during the course of 'nakabandi' when they signalled a motorcycle on which 2 persons were travelling, to stop, the motorcyclist tried to turn back but in the process a polythene

bag being carried by them in between their seats fell down and in which intoxicant tablets could be seen. It is further the case of prosecution that while the pillion rider managed to escape, the driver of the motorcycle was nabbed who disclosed his name as Beant Ram. During interrogation he disclosed that the other person who had run away from the spot was Amrik Ram (petitioner). The polythene bag which had fallen down was found to contain 1900 tablets of 'Clovidol' (Tramadol), 550 tablets of 'Alprazolam' and another 50 loose tablets.

3. Learned counsel for the petitioner has submitted that petitioner was never arrested at the spot nor was ever found in possession of any contraband and has been nominated on the basis of a disclosure statement allegedly made by co-accused, the veracity and admissibility of which would be debatable.
4. Opposing the petition, learned State counsel has submitted that since the name of the petitioner was disclosed by the co-accused who was arrested at the spot, the complicity of the petitioner is clearly evident particularly since the petitioner was sitting on the pillion seat of the motorcycle which the co-accused Beant Ram was driving. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 6 months and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case, it will certainly be debatable as to whether the petitioner can indeed be

attributed conscious possession of contraband particularly when he was never apprehended at the spot and has been nominated on the basis of disclosure statement. While also noticing the fact that the petitioner has been behind bars since the last about 6 months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.6.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No