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

CRM-M-26258-2021

Date of Decision: 26.10.2021

Sampat

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

Mr. B.S. Sewak, Additional Advocate General, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition filed on behalf of the petitioner for regular bail under Section 439 Cr.P.C. in case FIR No.185, dated 27.12.2019, under Sections 21-61-85 of the NDPS Act and Section 25 of the Arms Act (Section 29 of the NDPS Act, Sections 54 and 59 of the Arms Act and Section 201 of the IPC added later on), registered at Police Station Sadar, District Hoshiarpur, Punjab.

2. The petitioner has remained in detention for more than 1 year and 9 months since 27.12.2019.

3. According to the FIR, 295 grams of *heroin* was found from the gear box of the gray coloured Polo Car bearing Registration No.PB-08-CT-9223 which was seen to have been parked in an empty space of an area Bassi Ghulam Hussain under suspicious circumstances. The present petitioner Saurav Jindal was sitting on the co-driver's seat and co-accused

Sampat, who also happens to be owner of the car and was sitting on the driver's seat were arrested by the police party.

4. Reliance of the petitioner in this regard is on the following decisions passed by different Benches of this Court :-

1. CRM-M No.6687 of 2020 decided on 09.02.2021 titled as

'Avtar Singh Vs. State of Punjab'.

2. CRM-M No.41639 of 2020 decided on 16.12.2020 titled as

'Charanjit Singh @ Geji Vs. State of Punjab'.

3. CRM-M No.48987 of 2018 decided on 03.04.2019 titled as

'Gurmeet Singh Vs. State of Punjab'.

4. CRM-M No.10541 of 2020 decided on 18.03.2020 titled as

'Jaswinder Singh Vs. State of Punjab'.

5. In each of those decisions where contraband under the NDPS Act was recovered from a vehicle and not directly from the person of any of the apprehended accused, such person was permitted to be released on bail as it was held that in the given circumstances it would be doubtful that such recovery was made from the conscious possession of the person apprehended.

6. Co-accused Saurav Jindal has already been granted regular bail by this Court in CRM-M-36798-2020 on 12.10.2021. The present petitioner is fully covered by the ratio of the above judgments, since he is admittedly not even the owner of the car in question.

7. Trial in the case is likely to take some time. There is no record of the petitioner's involvement in any other case under the NDPS Act.

8. In the circumstances, considering the long detention already undergone by the petitioner, he is ordered to be released on bail subject to

appropriate terms and conditions to the satisfaction of the Ld. Trial Court/

Duty Magistrate concerned.

9. Disposed off.

26.10.2021

Apurva

(SUDIP AHLUWALIA)
JUDGE

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No