

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

**CRM-M-23656-2020**

**Date of Decision: 09.03.2021**

Bahadar Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. L.S.Mann, Advocate, for the petitioner.

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

**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.21 dated 30.01.2020 at Police Station Sadar Jagraon, District Ludhiana, under Sections 22/25/29 of the NDPS Act.
2. As per the case of prosecution, the police received a secret information to the effect that Bahadar Singh (petitioner) and Gagandeep Singh @ Gagga indulged in sale of intoxicant tablets and that even on the said day i.e. 30.01.2020, they were going to supply intoxicant tablets to some customer in Jagraon City on motor-cycle. Pursuant to receipt of such information, barricading was held and two persons riding on a motor-cycle were seen coming, who upon noticing the police party, tried to turn back the motor-cycle. However, they were apprehended by the police. The driver of the motor-cycle disclosed his name as Bahadar Singh

(petitioner), while the pillion rider disclosed his name as Gagandeep Singh @ Gagga. It is further the case of the prosecution that the pillion rider Gagandeep Singh was found to be carrying a polythene bag which upon checking was found to contain 900 tablets of 'Tramadol'.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that even if the allegations as levelled in the FIR are taken to be correct, still the petitioner cannot be attributed conscious possession of the contraband being carried by the pillion rider.
4. Opposing the petition, learned State counsel has submitted that since there was a specific information against the petitioner as well as Gagandeep Singh and pursuant to receipt of said information, the recovery of 900 tablets of 'Tramadol' was effected from Gagandeep Singh while the petitioner was driving the motor-cycle upon which the said Gagandeep was sitting, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 1 year and that he is not involved in any other case. It has further been informed that although challan has been presented, but charges are yet to be framed.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances, it will be debatable as to whether the petitioner can be attributed conscious possession of the contraband recovered from the co-accused, who was sitting on the pillion side seat of the motor-cycle, which the petitioner was

driving. In any case, since the petitioner as on date has been behind bars since the last about 1 year and is not even stated to be involved in any other case and that the conclusion of trial is likely to consume time, as even the charges have not been framed so far, 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 regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**09.03.2021**  
Vimal

**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking/reasoned: **Yes/No**  
Whether reportable: **Yes/No**