

CRM-M-25778-2020 (O&M)
Date of Decision: 04.01.2021

ANIKET @ ANKIT

... Petitioner

v/s

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Monty Goyal, Advocate for the petitioner.

Mr. P.S.Walia, AAG Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

CRM-29285-2020

The present CRM is dismissed as withdrawn.

CRM-M-25778-2020

The petitioner has prayed for grant of regular bail in case FIR No.56 dated 4.7.2019, under Section 21/29/61 of NDPS Act, 1985 registered at Police Station Daresi, District Ludhiana.

Briefly, the allegations as putforth in the FIR are to the effect that the petitioner along with co-accused namely Raman Kumar was travelling on a scooter from which 560 grams of heroin and drug money to the tune of about Rs.22,000/- was recovered from the diggy of the scooter.

It has been contended by learned counsel for the petitioner that petitioner was not in the conscious possession of the contraband, he is not the owner of the scooter and is in custody for the last 1 year and 5 months.

On the contrary, it has been contended by learned State counsel that the quantity of contraband recovered from the possession of the petitioner

falls in the category of commercial quantity and the contraband has been

recovered from the joint conscious possession of the petitioner and the co-accused.

In the instant case, the quantity of contraband recovered from the possession of the petitioner falls in the category of commercial quantity. As such, stringent provisions of section 37 of the NDPS Act come into play. There is nothing to suggest that the petitioner has not committed the offence and is not likely to commit the offence, if extended the concession of bail. Furthermore, the drug money has also been recovered from the petitioner and the co-accused. Besides, the petitioner was sitting on the pillion of the scooter and it will be too early to conclude that he was not in conscious possession of the contraband.

Keeping in view the totality of circumstances, no justified ground is made out to extend the concession of regular bail to the petitioner.

Dismissed.

(VIVEK PURI)
JUDGE

04.01.2021

Janki

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