

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

CRM-M-29814-2020

Date of Decision: 18.02.2021

Vinod

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Kamaldeep Singh Redhu, Advocate,
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Bhal 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 against him vide FIR No.242 dated 05.06.2020 at Police Station City, Tohana, District Fatehabad, under Sections 22(C)/27-A/61/85 of the NDPS Act.
2. As per the case of the prosecution, on 05.06.2020, during the course of routine checking by the police, one motor-cycle was intercepted on which two persons were riding. The person driving the motor-cycle disclosed his name as Vinod (petitioner), while the person sitting on the pillion seat disclosed his name as Kuldeep @ Khandu. Upon search of the aforesaid two, 2400 tablets of 'Tramadol' were recovered from a polythene bag carried by the pillion rider Kuldeep.

3. Learned counsel for the petitioner has submitted that the alleged recovery was effected from the pillion rider and that the petitioner, who was driving the motor-cycle, cannot be attributed conscious possession of the same.
4. Opposing the petition, learned State counsel has submitted that since the petitioner as well as the pillion rider are both real brothers, therefore, the complicity of the petitioner, even if he himself was not carrying the contraband, is clearly evident. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 8 months and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. The question as regards the conscious possession of the petitioner would certainly be debatable inasmuch as it is the pillion rider, who was carrying the polythene bag containing the contraband. In any case, since the petitioner as on date has been behind bars since the last about 8 months and is not even stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.02.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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