

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

CRM-M-37529-2021 (O&M)
Date of Decision:- 17.9.2021

Karamjeet Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Rajiv Sidhu, DAG, Haryana
assisted by ESI Ramesh Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.338 dated 22.12.2020 under Section 18(C) of the NDPS Act, 1985 (Sections 18-B, 27-A and 29/61/85 of the NDPS Act added lateron) at Police Station Sadar Kaithal, District Kaithal.
2. The case of the prosecution is that on 22.12.2020, a secret information was received by the police to the effect that Karamjeet, Gurpreet Singh @ Gopi and Ravinder @ Ravi @ Ravinder Pal indulged in sale of '*Opium*' and that even on the said date Gurpreet alongwith his companions would be coming in a white coloured Verna car bearing registration No. PB-31-F-8117 to village Baba Ladhana. Pursuant to receipt of said information barricading was laid and upon noticing the car in question the same was signaled to stop which was having three occupants. Upon inquiry, the driver disclosed his name as Gurpreet, while the passenger sitting on the front seat disclosed his

name as Karamjeet and the person sitting on the rear seat disclosed his name as Ravinder. All three were extended an offer of in terms of Section 50 of the NDPS Act separately. The aforesaid three opted their search before a Magistrate. After arrival of Sh. Ishwar Singh, Naib Tehsildar, he was apprised about the facts, who inquired about the same from three apprehended persons turn by turn and also perused the notices under Section 50 of the NDPS Act. Upon search of the said three persons '*Opium*' weighing 3.5 kgs was recovered from a red checkered blanket from Karamjeet Singh.

3. The learned counsel for the petitioner has submitted that in the instant case, three persons were travelling in a car from which 3.5 kgs '*Opium*' was recovered and that since two of the co-accused namely Ravinder and Gurpreet have already been granted bail by this Court vide order dated 4.8.2021, the petitioner also deserves the same concession on grounds of parity.
4. Opposing the petition, the learned State counsel has submitted that the petitioner cannot claim parity with the case of the co-accused inasmuch as the recovery was effected from the petitioner who was sitting on the front passenger seat whereas no specific recovery was effected from the passenger sitting on the rear seat or from the driver and that it was on account of a question having been raised regarding conscious possession of the other two persons that it was observed by this Court that conscious possession of Ravinder and Gupreet would be debatable and thus, the said two co-accused have been granted bail.
5. I have considered rival submissions addressed before this Court.

6. It is not disputed that three persons including the petitioner were travelling in a car, who were apprehended by the police and that recovery of 3.5 kg of '*opium*' was recovered from a checkered blanket from Karamjeet Singh (petitioner). The petitioner having domain over the contraband cannot feign ignorance about the contents being carried by him. The other two occupants of the car including the driver may be able to raise an argument that they were not aware about the contents or articles being carried by the petitioner Karamjeet Singh and may try to wriggle out by claiming that they cannot be attributed conscious possession of the contraband, but the said plea of there being no conscious possession is certainly not available to the petitioner. The petitioner, having been found in conscious possession of a huge quantity of contraband i.e. 3.5 kgs of '*opium*' which falls in the category of 'commercial quantity', does not deserve the concession of bail.
7. The petition is sans merit and is hereby dismissed.

17.9.2021

kamal

(Gurvinder Singh Gill)
JudgeWhether speaking /reasoned
Whether ReportableYes / No
Yes / No