

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

**CRM-M-39346-2020 (O&M)
Date of Decision: 08.03.2021**

Bhinda @ Bhindu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. A.S.Sandhu, Addl. AG, Punjab.

(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.34 dated 22.07.2019 at Police Station Fatehgarh Panjtoor, District Moga, under Section 22/61/85 of the NDPS Act.
2. As per the case of prosecution, the police received a secret information to the effect that one Barkat Singh indulges in sale of intoxicant tablets, which he brings from Kot Ise Khan side and sells in nearby villages. The information was further specifically to the effect that even on the said day i.e. 22.07.2019, he was bringing intoxicant tablets from Shahbukar side and in case he is apprehended, then intoxicant tablets can be recovered from him. Pursuant to receipt of such information, barricading was held and the aforesaid Barkat Singh along with his son Bhinda @ Bhindu

(petitioner) was apprehended while they were coming on a motor-cycle. A bag containing 1020 tablets of 'Tramadol' was also recovered.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the secret information was very specific to the effect that it is the petitioner's father, who indulges in sale of intoxicants and that even if the allegations as levelled in the FIR and the subsequent proceedings are taken to be correct, the petitioner cannot be attributed any conscious possession of the recovered contraband, as he had no knowledge about the contents of the bag, which had been brought by his father who was riding on motor-cycle in question and that he being a dutiful son had merely been ferrying his father on the motor-cycle.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was accompanying his father on a motor-cycle and a recovery of 1020 tablets of 'Tramadol' was effected, no case for grant of bail is made out and it is quite apparent that the father and son duo were into drug trafficking.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the information was very specific to the effect that Barkat Singh i.e. the petitioner's father used to indulge into sale of intoxicant tablets and that on the given day, he was bringing the same for sale. Upon barricading having been held, said Barkat Singh along with his son i.e. Bhinda @ Bhindu (petitioner) were apprehended and a bag containing 1020 tablets of 'Tramadol' was recovered. Keeping in view the fact that the

information was very specific against Barkat Singh, who is petitioner's father, it will be debatable as to whether conscious possession of the recovered contraband can be attributed to the petitioner since the petitioner being son of Barkat Singh might have been dutifully driving the motor-cycle to take his father from one place to another on his asking. In any case, the petitioner has been behind bars since the last more than 1 ½ years and is not even stated to be involved in any other case and the conclusion of trial is likely to consume time as not even a single PW has been examined till date. In these circumstances, 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 his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

08.03.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

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