

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41116-2020

DATE OF DECISION: FEBRUARY 11, 2021

GAURAV BHOLA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SANDEEP ARORA, ADVOCATE FOR THE PETITIONER.
MR. RAMDEEP PARTAP SINGH, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.163 dated 15.10.2020, under Section 20 NDPS Act, Police Station Bullowal, District Hoshiarpur. The petitioner is in custody since his arrest on 15.10.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Hoshiarpur in her order dated 24.11.2020, are as under:-

“As per case of prosecution on 15.10.2020, ASI Buta Singh along with other police officials had laid a Nakka at T-point of village Piyala, P.S. Bullowal. Meanwhile, four persons were seen coming while carrying heavy polythene bags in their respective hands. On seeing the police party, they tried to turn back and on suspicion they were apprehended. On inquiry first person disclosed his name as Darshan Singh alias Aman s/o Sohan Singh. Second person disclosed his name as Lal Hussain s/o Umar Deen. Third person disclosed his name as Mam Hussain s/o Rashid Mohammad and the fourth person disclosed his name as Gaurav Bhola s/o Jagpartap.

Thereafter, after completing the legal formalities search was conducted. From the polythene in the hands of Darshan Singh alias Aman recovery of 1.600 Kgs of Charas was effected. From the polythene found in the hands of Lal Hussain recovery of 420 grams of Charas was effected. From the polythene recovered from Mam Hussain, recovery of 380 grams of Charas was effected and from the polythene recovered from Gaurav Bhola, recovery of 100 grams of Charas was effected.”

Learned counsel for the petitioner contends that as per the prosecution 100 gms. of Charas was recovered from the petitioner on 15.10.2020 and the said quantity is intermediate in nature. According to him, the investigation of the case is almost complete and the petitioner is confined in judicial custody and is no more required for any useful purpose. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Kulwant Singh has opposed the aforesaid prayer on the ground that alongwith the petitioner, three other accused persons were arrested with the similar contraband. However, according to the learned State counsel, the quantity recovered from the petitioner is non-commercial in nature. He, on instructions, further states that the petitioner is not involved in any other case of similar nature.

Considering the above background, the quantity of contraband recovered from the petitioner and the custody of the petitioner, this Court does not find any reason to decline the prayer as the investigation of the case is nearly complete and the trial is likely to take considerable time to

conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 11, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No