

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-41562-2020 (O&M)
Date of Decision:- 8.2.2021

Sandeep Singh @ Kuggar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. M.S.Uppal, Advocate, for the petitioner.

Mr. H.S.Multani, AAG, Punjab.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.22, dated 8.2.2020, Police Station Longowal, District Sangrur, under Section 22/29 of NDPS Act.
2. The FIR in question was lodged on the basis of secret information received by the police to the effect that Darshan Singh purchases intoxicating tablets illegally from his friend Amandeep Singh and further supplies the same to Jeevan Singh and Sandeep Singh and that on the said day Jeevan Singh and Sandeep Singh were standing

near a drain where Darshan Singh is to supply intoxicating tablets to them.

3. Pursuant to receipt of the aforesaid information a raid was conducted at the nominated place where three accused were apprehended. Darshan Singh was found in possession of 1300 tablets of 'Tramadol', Jeevan Singh was found carrying 500 tablets of 'Tramadol' and the petitioner Sandeep Singh was found carrying 500 tablets of 'Alprazolam'.
4. Learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, still it would be debatable as to whether the petitioner can be attributed the conscious possession of contraband allegedly been carried by the co-accused. It has further been submitted that the total weight of the tablets alleged to be recovered from the petitioner, in any case works out to about 59 grams which is less than the prescribed commercial quantity which is 100 grams and that in these circumstances the petitioner in any case deserves the concession of bail.
5. Learned State counsel has however, opposed the petition on the ground that since the petitioner was caught red handed, no case for grant of bail is made out. Learned State counsel has however, not disputed the fact that it is a case of recovery of non-commercial quantity of contraband and that the petitioner is not involved in any other case. It has further been informed that the petitioner has been behind bars since the last about one year.
6. I have considered rival submissions addressed before this Court.

7. It will certainly be debatable as to whether the petitioner can be attributed conscious possession of the contraband recovered by the co-accused. The contraband recovered from the personal search of the petitioner, in any case works out to a non-commercial quantity. Keeping in view the fact that the petitioner has been behind bars since the last about one year and conclusion of trial is likely to take time, 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 bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

February 8, 2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No