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

CRM-M-51033-2021

Date of Decision: 16.12.2021

Paras Sharma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. K.S. Dadwal, Advocate,
for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail on behalf of the petitioner in case FIR No.185, dated 27.12.2019, registered under Section 21 (for the added offence under Section 29) of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 201 of the Indian Penal Code (which has been added vide DDR No.70, dated 20.05.2020) as well as Section 25 of the Arms Act, 1959, at Police Station Sadar Hoshiarpur, District Hoshiarpur.

2. The petitioner has remained in detention for more than 1 year and 11 months, since 27.12.2019.

3. According to the FIR, 295 grams of *heroin* was found from the gear box of the grey coloured Polo Car bearing Registration No.PB-08-CT-9223 which was seen to have been parked in an empty space of an area Bassi Ghulam Hussain under suspicious circumstances. The present

petitioner Paras Sharma was sitting on the back seat of the car and co-accused Sampat, who happens to be owner of the car and was also sitting on the driver's seat, were arrested by the Police Party.

4. Reliance of the petitioner in this regard is on the following decisions passed by different Benches of this Court :-

1. **CRM-M No.6687 of 2020** decided on 09.02.2021 titled as **'Avtar Singh Vs. State of Punjab'**.
2. **CRM-M No.41639 of 2020** decided on 16.12.2020 titled as **'Charanjit Singh @ Geji Vs. State of Punjab'**.
3. **CRM-M No.48987 of 2018** decided on 03.04.2019 titled as **'Gurmeet Singh Vs. State of Punjab'**.
4. **CRM-M No.10541 of 2020** decided on 18.03.2020 titled as **'Jaswinder Singh Vs. State of Punjab'**.

5. In each of those decisions where contraband under the NDPS Act was recovered from a vehicle and not directly from the person of any of the apprehended accused, such person was permitted to be released on bail as it was held that in the given circumstances it would be doubtful that such recovery was made from the conscious possession of the person apprehended.

6. The present petitioner is fully covered by the ratio of the above judgments, since he is admittedly not even the owner of the car in question. The co-accused Saurav Jindal, who is similarly placed with the present petitioner, as having been only a passenger (not driver/owner of the car), has already been granted regular bail by this Court in CRM-M-36798-2020 on 12.10.2021.

7. Trial in the case is likely to take some time. There is no record

of the petitioner's involvement in any other case under the NDPS Act.

8. In the circumstances, considering the long detention already undergone by the petitioner, he is ordered to be released on bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/ Duty Magistrate concerned.

9. Disposed off.

16.12.2021

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No