

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

CRM-M-2271-2022 (O&M)
Date of Decision:- 4.4.2022

Gurmit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Navinder Jit Singh Dandiwal, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Kuldeep Raj.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 97 dated 16.6.2021 under Sections 22, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Nihal Singh Wala, District Moga.
2. As per the case of prosecution when on 18.11.2021, a police party headed by ASI Sher Bahader was patrolling and was proceeding from Village Ransih Kala to Village Nangal, then two young persons were seen coming on a motorcycle bearing registration No. PB-29G-9134. Upon noticing the police party, they suddenly tried to turn back the motorcycle but the motorcycle slipped and a transparent polythene bag which had been kept in between the driver and the pillion rider fell down and strips of narcotic tablets were scattered on the ground. Both the said persons were nabbed by the police.

While the driver of the motorcycle disclosed his name as Amandeep Singh, the pillion rider disclosed his name as Gurmeet Singh. The intoxicant tablets recovered from the spot were found to contain 'Tramadol Hydrochloride' and the total recovered 1500 tablets were found to fall in the category of 'commercial quantity'.

3. Learned counsel for the petitioner has submitted that in the present case the accused is alleged to be carrying the contraband in a polythene bag in a public place which is highly unlikely as no person would carry contraband in a polythene bag as carrying the same could easily expose him to detection and render him liable for commission of offence.
4. On the other hand, learned State counsel has submitted that since the petitioner was caught red-handed while in possession of huge quantity of contraband, no case for grant of bail is made out. Learned State counsel has informed that the petitioner is not involved in any other case. It has also been informed that the petitioner has been behind bars since the last more than 9 months.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the recovery in the present case was effected from a polythene bag which the petitioner was stated to be carrying. It is highly unlikely that accused would be carrying contraband in a transparent polythene bag as the same would be suicidal for any drug trafficker particularly in a public place. The contention raised on behalf of the petitioner regarding improbability of the prosecution version on this count, cannot be brushed aside lightly. Any drug trafficker would take utmost care and caution while carrying a drug so as to rule out the possibility of

detection. He would make every effort to carry the contraband in a concealed manner as public display of the same would lead to his detection and consequently he could be charged for commission of an offence inviting extremely harsh sentence. As such, the story that accused was carrying contraband in a transparent polythene bag from which it could be seen is highly improbable and is doubtful. In this context, a reference may be made to judgment passed by this Court in CRM-M-8026 of 2020 titled in Lakhwinder Singh @ Lakha Vs. State of Punjab as well as in CRM-M-20019 of 2020 titled as Gurwinder Singh @ Binder Singh Vs. State of Punjab.

7. Having regard to the aforestated position, involvement of the petitioner is rendered doubtful. The petitioner otherwise has a clean record. In these circumstances, further detention of the petitioner will not serve any useful purpose.
8. 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.
9. It is however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

4.4.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No