

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

CRM-M-4862-2022 (O&M)

Date of Decision:- 11.2.2022

Bilal Ahmad

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Akashdeep Singh, Advocate, for the petitioner.

Mr. M.S.Dullat, 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. 234, dated 7.11.2020, Police Station Bhogpur, District Jalandhar Rural, under Section 15-C/61/85 NDPS Act (Section 29 NDPS Act added later on).
2. The FIR was lodged on the basis of a secret information received by the police to the effect that Tariq Ashraf Mir and Bilal Ahmad (petitioner) indulged in trafficking 'Poppy Husk' and that even on the given day i.e. on 7.11.2020, they were coming on a truck bearing registration No. JK-05-A-4222 in which apples were loaded and 'Poppy Husk' was concealed under the apple boxes.

3. Upon receipt of said information, barricading was laid and the police was able to intercept the truck in question. While the driver disclosed his name as Tariq Ashraf Mir, the other person sitting along with driver disclosed his name as Bilal Ahmad. A search of the truck led to recovery of 220 kgs 'Poppy Husk'.
4. Learned counsel for the petitioner submits that he was merely working as a cleaner with the truck and cannot be attributed conscious possession of the contraband being carried in truck by the driver or at the instance of the owner of the truck. Learned counsel has further submitted that in any case since, the identically situated co-accused Tariq Ashraf Mir i.e. the driver of the truck has been granted by this Court vide order dated 6.12.2021 (Annexure P-1), the petitioner also deserves the same concession on the grounds of parity.
5. Learned State counsel, on the other hand has submitted that keeping in view that it is a case of recovery of 'commercial quantity' of contraband, no case for grant of bail is made out. Learned counsel has however, informed that the petitioner as on date has been behind bars since the last about 1 year and 2 months and that none out of the cited 17 PWs has been examined. It has also been informed that the petitioner is not involved in any other case.
6. I have considered rival submissions addressed before this Court.
7. Without commenting anything as regards the merits of the case, but while noticing that an identically situated co-accused has already been granted bail by this Court vide order dated 6.12.2021 (Annexure

P-1) and that the petitioner otherwise has a clean record and has been behind bars for a substantial period of 1 year and 2 months and conclusion of trial is likely to consume time as not even a single PW out of the cited 17 PWs has been examined, further detention of the petitioner is not justified. 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.

11.2.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No