

CRM-M-24025-2022

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

CRM-M-24025-2022

Date of decision: 17.10.2022

Amresh Yadav and others

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Akshat Mittal, Advocate and
Mr. Pankaj Aggarwal, Advocate,
for the petitioners.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioners seek regular bail in case FIR No.256 dated 30.10.2021, registered at Police Station Model Town, Hoshiarpur, under Section 18 NDPS Act, 1985.

Learned counsel for the petitioners contends that as per the case of prosecution, recovery of 1 kg. opium had been effected from the plastic bag which was kept by petitioner No.1 in his right hand whereas recovery of 1 kg. opium effected from the right pocket of pant of petitioner No.2 and recovery of 01 kg. opium effected from the right pocket of jacket of petitioner No.3, and that each of the accused were allegedly carrying a limited quantity of contraband and, therefore, the extent of contraband recovered from the each petitioner, falls under the non-commercial quantity. On this premise, learned counsel prays that the petitioners be released on bail.

On the other hand, learned State counsel, while opposing the

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grant of bail to the petitioners, submits that in the present case, a single FIR was registered against all the three accused, and that the petitioners were in 'joint possession' of the recovered contraband and in consequence, Section 37 NDPS Act would have application. He further contends that the petitioners are indulging in selling of opium.

I have heard the learned counsel for the parties.

As per the case of prosecution, 1 kg. opium from each accused had been recovered. The petitioners were together at the time when the recovery was effected, which *prima facie* makes out a case of 'joint possession'. The extent of total recovered opium i.e. 3 kg., falls under the commercial quantity. Resultantly, Section 37 NDPS Act would have application to the present petition.

This Court also finds no reasonable grounds to believe that the petitioners are not guilty of the offence alleged against them or that they would not be likely to commit any other offence, while on bail. Be it noted that the petitioners are from the State of Jharkhand and there would be no possibility of the local police monitoring their future activities.

In view of the above, this Court does not find any merit in the present petition.

Dismissed.

17.10.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No