

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

CRM-M-23925-2022 (O&M)
Date of Decision:-9.11.2022

Sukhwinder Singh @ Akku

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. V.P. Sangwan, Advocate for
Ms. Anu Bala, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Sukhdev Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.93, dated 18.6.2021, Police Station Sadar Kotkapura, District Faridkot, Punjab, under Sections 21(a), 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The allegation, in nutshell, is that the petitioner was found in possession of 4 grams of 'heroin'. At the time of apprehension of the petitioner, he was accompanied by Joga Singh, whose search led to recovery of 100 intoxicant tablets containing 'Tramadol'.
3. Learned counsel for the petitioner submitted that the quantity recovered from the petitioner would fall in the category of 'small quantity' and infact he has been falsely implicated and has a clean record.

4. Opposing the petition, learned State counsel has submitted that since the co-accused was found in possession of a commercial quantity of contraband i.e. 1000 tablets of intoxicant tablets containing '*Tramadol*', the petitioner can safely be attributed conscious possession of the same.
5. This Court has considered the rival submissions.
6. It will be debatable as to whether the petitioner can be attributed conscious possession in respect of the recovery effected from co-accused, who was found to be possessing a different contraband. The recovery effected from the petitioner is 4 grams of 'heroin', which falls in the category of small quantity. The petitioner otherwise has a clean record and has been behind bars since the last about 7 months and 25 days. In these circumstances, further detention of the petitioner, will not serve any useful purpose as conclusion of trial is likely to consume time. 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.

9.11.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No