

RAMIT GROVER

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. G.S.Kaura, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Ramit Grover-petitioner is seeking regular bail in the case bearing FIR No. 68 dated 10.06.2020 under Sections 21/29 of Narcotic and Psychotropic Substance Act, 1985, registered at Police Station Special Task Force, Phase-4, SAS Nagar, Mohali, Local Police Station Jamalpur, District Ludhiana.

Briefly, the case has been registered in pursuance of the receipt of secret information to the effect that the petitioner and the co-accused are travelling on a scooter bearing registration No. PB10-GU-0139 and carrying heroin with them. Consequently, they were apprehended and 680 grams of heroin was recovered from the box beneath the seat of the scooter.

Learned counsel for the petitioner contends that the petitioner is

neither the owner nor was driving the scooter and he was sitting on the pillion

only. The petitioner cannot be termed to be in conscious possession of the contraband as he was innocently sitting on the pillion on the scooter unaware of the fact that contraband is being carried in the scooter. However, the co-accused, namely, Vicky Sharma, who was the owner and driver of the scooter, has since died. Even, the petitioner was suffering from some health issues and was operated upon after getting interim bail from this Court. The petitioner is in custody for a period of 01 year, 07 month and 23 days and only 01, out of 17 witnesses has been examined so far.

Learned State counsel has opposed the bail application on the score that the quantity of contraband recovered in the instant case falls in the category of commercial quantity. As such, stringent provisions of Section 37 of NDPS Act come into play.

It is no doubt true that the quantity of contraband recovered in the instant case falls in the category of commercial quantity but significantly, the petitioner is not the owner of the scooter. The petitioner was not even driving the scooter and the recovery has been effected from the box beneath the seat of the scooter. The petitioner was travelling as a pillion rider of the scooter. It will remain a moot and debatable point during the course of trial, as to whether, the petitioner was also in conscious possession of the contraband. The co-accused, Vicky Sharma who was the owner and driver of the scooter is stated to have died and even the petitioner was suffering from some health issues. The petitioner is in custody for a period of 01 years, 07 months and 23 days, only 01 out of 17 witnesses has been examined so far and is not involved in any other case. The petitioner has not misused the concession of interim bail. As such, it can be said that he is not likely to commit offence while on bail. In such circumstances, the rigors of Section 37 NDPS Act can be relaxed. The

mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

05.04.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No