

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

CRM-M-3594-2023 (O&M)

Date of Decision: 11.04.2023

RAHUL KUMAR

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sukhdeep Singh, Advocate for
Mr. Saransh Sabharwal, Advocate
for the petitioner.

Mr. Hitten Nehra, Addl. A.G., Punjab.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 0117 dated 22.07.2022 under Sections 20, 25 of NDPS Act, registered at Police Station Sadar Khanna, District Khanna.

Learned counsel for the petitioner contends that the petitioner is the driver of the autorickshaw from which the contraband has been recovered. The contraband was kept in two bags on the rear seat wherein three passengers, i.e., the co-accused who were stranger to the petitioner were sitting. The petitioner is in custody for the last about seven months and is not involved in any other case. There is nothing to indicate that the petitioner was in any manner acquainted with the co-accused.

Learned State counsel has opposed the bail application and submits that 40 kg of 'ganja' being carried in two bags has been recovered from the

autorickshaw being driven by the petitioner. The contraband has been found in the joint conscious possession of the petitioner and the co-accused and the same falls in the category of commercial quantity.

In the case in hand, the petitioner is the driver of the autorickshaw from which the contraband has been recovered. The petitioner alongwith co-accused have been found to be joint conscious possession of two bags containing 40 kg of 'ganja', which falls in the category of commercial quantity. As such, stringent provisions of Section 37 of NDPS Act come into play. There is nothing to suggest that the petitioner has not committed the offence and is not likely to commit the offence, while on bail. Even otherwise the petitioner is in custody only for a period of about seven months.

Taking the entire circumstances, no ground for bail is made out.

Dismissed.

11.04.2023

manoj

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No