

220

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

CRM-M-45602-2022 (O&M)

Date of Decision: 19.04.2023

Raja Ram

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.128 dated 26.06.2020 registered under Sections 15, 25 and 61 NDPS Act, 1985 at Police Station Sangat Bathinda, District Bathinda. The petitioner is in custody since his arrest on 08.07.2020.

As per prosecution case, the police received a secret information that truck/tralla No.RJ-32GA-3929 carrying heavy quantity of poppy husk is coming to Punjab from Mandi Dabwali. While acting on the said information, the police party found the vehicle parked in the vacant area opposite Rubber Factory. Upon checking the vehicle in the presence of DSP Davinder Singh, 90 kgs of poppy husk was recovered from it.

During investigation, statement of Ranjeet Singh was recorded, wherein he revealed that when he was going to a factory at Village Doomwali, he saw the vehicle parked and accused persons, namely, Raja Ram, Balvir Singh and Satnam Singh sitting therein. According to the

prosecution case, petitioner-Raja Ram is the driver of the vehicle, whereas his co-accused Balvir Singh is the owner of the vehicle.

Learned State counsel has argued that though the petitioner has placed reliance upon the bail order dated 05.01.2021 passed in favour of co-accused Satnam Singh, but the said co-accused is on different footings, as the petitioner is the driver of the vehicle from where the recovery was effected. He has pointed out that the bail application filed by the owner of the vehicle has also been dismissed and the said co-accused is also in custody.

After hearing the learned State counsel and gravity of the offence, this Court is not inclined to extend the concession of regular bail to the petitioner becuase as per the prosecution, he was found in possession of 90 kgs of poppy husk.

Resultantly, considering the gravity of the offence as well as the quantity of the contraband, this Court without meaning any expression of opinion on the merits of this case, does not find it to be a fit case for releasing the petitioner on regular bail.

Dismissed.

19.04.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No