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

CRM-M-12721-2022

Date of decision : 28.02.2023

Deepak Kumar

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naveen Sharma, Advocate for
Mr. Arjunveer Sharma, Advocate for the petitioner.
Ms. Shivani Sharma, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.48 dated 29.03.2021 under Sections 22 and 25 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Doraha, Police District Khanna, District Ludhiana, who is in custody since his arrest on 29.03.2021.

The allegations in the FIR as noticed by the learned Judge, Special Court, Ludhiana in the order dated 02.08.2021 are as under:-

“As per prosecution story, the accused/applicant was apprehended alongwith co-accused in a car and from the back seat of the car (I) 5 packets of Buprenorphine Injections IPC REXOGESIC 2 MLS.each, in total 500 ampules and (II) 20 boxes of

glass injections vials, labelled as 'AVIL' total 500 vials, and each containing 10 ml of colourless liquid material, were recovered.”

Learned counsel for the petitioner contends that as per prosecution itself, the petitioner was driving the car and his co-accused, namely, Jatinder Kumar @ Shanty was sitting on the rear seat. It is submitted that the alleged contraband was lying in the bag, which belongs to co-accused-Jatinder Kumar, therefore, it would be seriously debatable, if, the said contraband was in conscious possession of the petitioner. Learned counsel has pointed out that after framing of charges on 21.09.2021, only two prosecution witnesses have been examined so far out of total thirteen witnesses. According to him, further custody of the petitioner may not be necessary. He prays for bail.

While opposing the prayer, learned State counsel who is assisted by HC Charanjit Singh submits that the quantity recovered from the petitioner falls within the ambit of commercial quantity and he was arrested on the spot, therefore, the petitioner does not deserve the concession of regular bail. She prays for dismissal of the petition. She on instructions further states that now the case is fixed before the trial Court for 06.03.2023 for recording the remaining evidence.

After hearing learned counsel for the parties and considering the above background, this Court finds that as per

prosecution the petitioner is the owner of the vehicle, wherein the commercial quantity of contraband was being carried and petitioner alongwith his accomplice was arrested on the spot. Thus, considering the nature and quantity of the contraband, this Court at this stage is not inclined to extend the concession of regular bail to him as the trial is also likely to conclude in the near future considering the remaining number of witnesses.

Resultantly, without meaning any expression of opinion on the merits of the case, no case is made out for releasing the petitioner on regular bail.

Petition is dismissed.

28.02.2023
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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No