



CRM-M-13754-2024

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

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CRM-M-13754-2024

Decided on : 28.01.2025

TANVEER AHMAD

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Raj Kumar Gupta, Advocate, and
Mr. Ram Bilas Gupta, Advocate,
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed for grant of regular bail to the petitioner – Tanveer Ahmad, aged about 28 years, who has committed the offence punishable under Section 15(c) of the NDPS Act (challan has been filed under Section 15(c) and 61 of the NDPS Act), in FIR No. 112, dated 20.08.2023, registered at Police Station Adampur, District Jalandhar, during the pendency of trial.

2. Counsel for the petitioner submits that as per the case of the prosecution, recovery has been effected from the vehicle i.e. TATA 709 Canter, bearing registration No.JK-06A-2344. The petitioner namely Tanveer Ahmad was driving the said vehicle and his other co-accused namely Bashir Ahmed was sitting beside him.

3. At the time of raid, from the cabin of the truck, a bag weighing 22 kgs of the poppy husk was recovered, which was lying under the seat/near the seat of Bashir Ahmed. Two bags weighing 24 kgs



each, were recovered from the roof of the cabin. This way, total 70 kgs of the poppy husk was recovered.

4. Counsel for the petitioner submits that both the accused jointly cannot be presumed to have the conscious possession of the complete contraband, weighing 70 kgs, by the police, and however, there is no denial that it would be a question, to be decided after adducing evidence by the prosecution, whether each of the accused was having conscious possession of the contraband which was lying there in the cabin and on the roof of the truck.

5. Further submits that there being no other case registered against the petitioner, and also that the petitioner is inside jail since 20.08.2023, further custody of the petitioner would not serve any useful purpose for the prosecution.

6. On the other hand, learned State counsel, while producing custody certificate dated 25.01.2025, confirms that petitioner has remained inside jail for a period of more than 1 year and 5 months, and also confirms that there is no other case registered against the petitioner. Custody certificate filed by the State counsel is taken on record.

7. Learned State counsel is unable to counter the other factual assertion borne out of the present petition and as submitted by counsel for the petitioner.

8. This Court has heard the submissions addressed by counsel for the parties and also perused the record, and finds that the petitioner is not involved in any other similar activity. Therefore, one opportunity can be granted to him to rise up and rehabilitate himself in the society.



9. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. It is further made clear that if in future, petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

28.01.2025

Lavisha

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