

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-12326 of 2015

Date of decision:28.07.2015

Balkar Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. K.S. Pannu, DAG, Punjab.

Navita Singh, J. (Oral)

This petition has been moved by Balkar Singh under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.71 dated 31.5.2013 registered under Sections 15 of the Narcotic Drugs and Psychotropic Substances Act (for short, the Act) at Police Station Mehatpur, District Jalandhar.

The case of the prosecution is that a secret information was received by the police that the petitioner was indulging in sale of poppy husk and even on that date, he was selling poppy husk to some customer and the contraband was stocked in the store room of his house. The place was raided by ASI Jagtar Singh along with five other police officials but the petitioner fled from his house. Recovery of 60 kilogram of poppy husk was made from his room. The petitioner was arrested on 8.6.2014, i.e. more than one year after the lodging of the FIR because he had been arrested in another case on 7.6.2014 and that case was also under Section 22 of the Act.

It is submitted on behalf of the petitioner that the contraband allegedly recovered was marginally high than the non-commercial quantity

and the petitioner was not apprehended from the spot. It was not possible that six police officials could not nab the petitioner when he tried to escape.

State counsel, on the other hand, submits that there are already two cases against the petitioner under the Act including the present one and, therefore, in view of Section 37 of the Act, he could not be enlarged on bail.

The trial has not practically begun as only charge has been framed against the petitioner but none of the prosecution witnesses has been examined. The custody of the petitioner is already exceeding one year.

In view of the above, the petition is allowed. Bail to the satisfaction of the trial Court.

28.07.2015
renu

(NAVITA SINGH)
JUDGE