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

CRM no. M-22121 of 2015(O&M)

Date of Decision : 15.07.2015

Butta Singh

....Petitioner

Versus

State of Punjab

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. D.S.Kahlon, Advocate for the petitioner

Mr. Jaspreet Singh Sekhon, AAG, Punjab

MAHESH GROVER, J.

The petitioner prays for grant of regular bail in case FIR no. 54 dated 1.6.2014 registered under Sections 21, 22, 61, 85 NDPS Act at Police Station Tarsika, District Amritsar.

The petitioner was found to be in possession of some intoxicating power which on verification by the Forensic Science Laboratory was found to be Diphenoxylate Hydorchloride.

Learned counsel for the petitioner contends that there was non-compliance of the various provisions of NDPS Act. He contends that even though allegations in the FIR would indicate that petitioner was carrying a bag yet the sample was taken from a bag which was picked up from the ground indicating false implication.

A perusal of the record and the material shown to this Court during the course of hearing by the learned State counsel indicates that the petitioner was apprehended on suspicion and he threw the bag on the ground to escape but was apprehended and search of the bag led to the

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recovery of contraband. At this stage of the proceedings, this Court finds it pre-mature to comment upon the non-compliance of the provisions as alleged by the petitioner as it is dependent upon evidence, however, suffice it to say that the petitioner was found to be in possession of contraband which has been duly established by the report of the Forensic Science Laboratory. Plea of false implication at this stage of the proceedings cannot be accepted in view of the overwhelming factors indicating recovery from the petitioner.

Learned counsel for the petitioner has repeatedly referred to the fact that recovery was effected from the bag which was lying on the ground thus falsifying the entire case of the prosecution. There is in fact a incorrect translation placed on record. The FIR which has been read over to this Court by the State counsel from the vernacular and original would indicate that the petitioner had thrown the bag on the ground while trying to escape. There is thus no substance in the plea raised by the petitioner. Petition is held to be without any merit and the same is hereby dismissed.

July 15, 2015
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(Mahesh Grover)
Judge