

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-28115 of 2015

.....

Date of decision:27.8.2015

Gurpreet Singh alias Ghaint

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Gorakh Nath, Advocate for the petitioner.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.134 dated 14.9.2014 registered for the offence under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') at Police Station Sadar Moga, District Moga.

Notice of motion to Advocate General, Punjab.

On the asking of the Court, Ms. Simsi Dhir Malhotra, learned Deputy Advocate General, Punjab has put in appearance and accepted notice on behalf of the respondent-State and contested this petition. Police record is also available.

I have heard learned counsel for the petitioner as well as learned Deputy Advocate General, Punjab appearing for the respondent-

[2]

State and have gone through the record.

As per the version of the prosecution, the FIR was registered on the basis of a secret information and then 175 kgs. of poppy husk was recovered by the Police. Accused Sukhdev Singh, Mandeep Singh and Gurmit Singh were apprehended on the spot and the present petitioner Gurpreet Singh ran away from the spot.

I have gone through the Police record. There is statement of ASI Amarjit Singh under Section 161 Cr.P.C. recorded by the Investigating Officer, in which it is stated that the accused was identified by him when he ran away from the spot. Even the recovery memo prepared on the same date i.e. 14.9.2014 on the spot shows the name of the present petitioner as one of the accused.

Therefore, keeping in view the fact that the poppy husk in commercial quantity has been recovered from the accused as well as from the co-accused (non-petitioners), hence, bar of Section 37 of the NDPS Act will apply in this case and the petitioner is not entitled to the benefit of bail.

Therefore, finding no merit in this petition, the same is dismissed.

August 27, 2015.

(Inderjit Singh)
Judge

hsp