

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Crl. Misc. No. M-41587 of 2014 (O&M)
Date of decision : 12.02.2015

Ram Kumar
versus
....Petitioner

State of Haryana
...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Saurabh Bhardwaj, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana

RITU BAHRI, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner, in a case arising out of FIR No.438, dated 13.11.2014, registered at Police Station Shahabad (M), District Kurukshetra, who has been booked for having committed the offences punishable under Sections 15/27(K)/65/85 of NPDS Act.

F.I.R has been registered with the allegations that Amrik Singh had brought huge quantity of poppy husk from Banderbara, Rajasthan after loading the same in the vehicle bearing registration No. HR-65-3597 mark Eicher 1110 and said poppy husk was recovered by police on 13.11.2014 when the truck in the question was intercepted by the police party present on the outer road of village Yaari. Amrik Singh

was apprehended and his disclosure statement was recorded, where he confessed as to he alongwith present petitioner being driver of the aforesaid vehicle, having gone to State of Madhya Pradesh and they purchases poppy husk from Baderbara, State of Rajasthan while on their way back from State of Madhya Pradesh after loading boxes of medicines from IPCA Laboratories. Further Amrik Singh had stated that the boxes of medicines were loaded in the vehicle on 10.11.2014 from IPCL Laboratories Ltd, Samsor Road, Indore, Madhya Pradesh and bags of poppy husk after having been supplied to them at Banderbara, Rajasthan, were concealed beneath the boxes. He also confessed that the time of moving out of the premises of the aforesaid laboratory, Ram Kumar was the driver of the vehicle, who put his signatures on the gate pass issued at the outer gate of the said laboratory and on 11.11.2014, they had left for Mohra, Ambala and reached at Banderwara, Rajasthan on 12.11.2014, where Ram Kumar had made a phone call from his mobile No. 94684-23686 to Raj Kumar @ Raju on his mobile No. 094683-48662 when Raj Kumar @ Raju had told him that there was a Panjabi Dhaba on the way, where they should stop the vehicle and then speak to him. Recovery of mobile phones belonging to accused Amrik Singh and

registration certificate of the vehicle was to be made from the petitioner and thus his bail application was dismissed on 25.11.2012 (P-2).

On notice, a reply dated 05.01.2015 by way of affidavit of Anil Kumar, HPS, DSP, Shahabad, Kurukshetra was filed on behalf of the respondent and as per reply, the vehicle was stopped by the police party, on a secret information received by the police. The driver of the vehicle tried to fled away from the spot but he was apprehended and he was given notice under Section 50 of NDPS Act and search of his canter was conducted in the presence of the then DSP, Shahabad and 102 kg of poppy husk was recovered. He disclosed his name as Amrik Singh and thereafter, F.I.R was registered. During investigation, accused Amrik Singh suffered his disclosure statement wherein he stated that he along with his driver Ram Kumar has purchased the recovered poppy husk from one Raj Kuamr with intent to earn profit (R-1) From the record and CCTV footage collected from Madhya Pradesh, the petitioner was found present with the accused Amrik Singh. Further, he was in touch with another accused Ram Kumar through his mobile phone No. 9468423686 and made calls to mobile No. 9468348662 of accused Raj Kumar. Thus, the CCTV footage

is corroborated by the disclosure statement of Amrik Singh that the petitioner was also involved with him in carrying poppy husk in the canter. The CCTV footage has completed the link between Amrik Singh, petitioner and one Raj Kumar.

Since the recovery is huge and is of commercial in nature, no ground is made out to grant anticipatory bail to the petitioner.

Accordingly, the petition stands dismissed.

12.02.2015

G Arora

(RITU BAHRI)
JUDGE