

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-199-2016

Date of decision: January 18, 2016

Mahna @ Tejpal Singh @ Rajpal Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J.(oral)

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Section 15,25,29,60, 61,85 of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sidhwan Bet, District Ludhiana, vide FIR No.173 dated 27.7.2004.

Learned counsel for the petitioner has vehemently contended that petitioner is entitled to bail as he was not apprehended at the spot. His co-accused have already been acquitted by the Special Court at Ludhiana. Petitioner is, thus, entitled to concession of regular bail.

Prayer has been opposed by the learned State counsel. According to him, FIR was registered way back in the year 2004. Petitioner was later arrested with other accused in a case under the Narcotic Drugs & Psychotropic Substances Act and was taken in custody on production warrants. He is also involved in an another case under the

Prisons Act.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, a secret information was received by the police that one Sonu had brought poppy husk from Rajasthan which was to be sold to a resident of village Bhavin Gujra, Gag Klan. On information, search of a truck was conducted. The accused were unloading poppy husk from the truck. Ten bags containing 40 Kgs. each were found from the truck and one bag each from the two scooters, which were parked there. The accused, however, fled from the spot. One Sonu was arrested on the spot. Others were apprehended later. Petitioner was apprehended by Constable Rajinder Singh but could not be arrested. Thereafter, petitioner was apprehended in another case by Jalandhar police. His production warrants were sought for appearance in instant case.

No case for bail is made out. A huge quantity of contraband was recovered from the vehicles in question. Petitioner is stated to be involved in two other cases. Plea of the petitioner that co-accused have been acquitted, is without any merit at this stage and is not acceptable in view of judgment rendered by this court in *CRM-M-13084 of 2014* titled *Munfed & another vs. State of Haryana*, decided on 09.07.2014.

Dismissed.

(RAJAN GUPTA)
JUDGE

January 18, 2016
'Rajpal'