

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

CRM-M-23852-2016

Date of decision: July 28, 2016

Raj Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Sidamkeet Singh Sandhu, AAG, Punjab assisted by
ASI Chattar Singh.

JASPAL SINGH, J.(ORAL)

This is a petition under Section 438 of Code of Criminal Procedure preferred by Raj Singh, seeking pre-arrest bail, in case FIR No.51 dated 27.06.2016, under Section 15 of NDPS Act, registered at Police Station Dharamgarh, District Sangrur.

The instant case stands registered on the basis of a secret information that petitioner is indulging in smuggling of the poppy husk and if raid is conducted, the intoxicating material can be recovered from his house as well as from Dharamshala located in front of their residential house. The raid was allegedly conducted and two bags containing 57 kg each were alleged to have been recovered from Dharamshala, the custodian of which is stated to be one Jali Singh, Nambardar of Village Sansi community. No recovery has been effected from the house of the petitioner. Moreover, at the time of search of the house, Section 100 Sub-clause (4) of Code of Criminal Procedure, 1973 is not complied with. Except aforesaid Jali Singh, Nambardar, no other persons of the locality

were associated. It is a debatable question whether poppy husk alleged to have been recovered from Dharamshala belongs to the petitioner. In such circumstances, it would not be desirable to send the petitioner behind the bars. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail in the event of his arrest but subject to the conditions envisaged under Section 438(2) Cr.P.C. The petitioner is directed to join the investigation on 5th August, 2016.

July 28, 2016
m. sharma

(JASPAL SINGH)
JUDGE