

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

222

CRM-M-44443-2015

Date of Decision: January 11, 2016

SARDARI LAL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.L.S.Mann, Advocate for the petitioner

Mr.Jashan Preet Singh, AAG,Punjab

M.M.S.BEDI, J.(Oral)

The petitioner is stated to be an accused in 22 cases out of which 16 cases are under Excise Act. As per allegations in the FIR, now registered at the instance of Inspector Vishwanath, petitioner along with 7/8 co-accused is allegedly indulging in sale and purchase of narcotic drugs and having connection with the smugglers. The FIR was registered on the basis of secret information. Petitioner though named in the FIR but till date no recovery in the present FIR has been effected from him. Merely because he is involved in other cases and no recovery having been made, he can not be sent to custody under Section 18, 21 or 22 of the NDPS Act.

The petition is allowed. It is ordered that in case of arrest of the petitioner in FIR No. 76 of 29.10.2015 under Section 411, 414 IPC and Sections 18, 21, 23, 29 of NDPS Act, registered at Police Station Sadar Gurdaspur, District Gurdaspur, he shall be released on bail to the satisfaction of the Arresting Officer.

Nothing said in this order will have any effect on any other case, registered/pending against the petitioner.

January 11, 2016

TSG

**(M.M.S.BEDI)
JUDGE**