

CRM-M-6723-2016

Date of Decision : 05.05.2016

Gurmeet Singh @ Meeta

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Vivek K. Thakur, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, JUDGE (ORAL)

The petitioner seeks concession of regular bail in a case registered four years back on the basis of a secret information to the effect that the petitioner along with one Gurmej Singh had been indulging in sale of poppy husk and they had kept concealed poppy husk in huge quantity in dry drain and that if raid was conducted, they could be apprehended with poppy husk. The police had recovered 9 bags containing 35 kg each of poppy husk on 18.12.2012 and waited for the accused for one hour at the spot but they did not arrive. The accused were got declared proclaimed offender from the Court of Illaqa Magistrate vide order dated 29.11.2013.

The petitioner was arrested for the first time in the present case after a gap of about 3 years i.e. on 01.12.2015 while the petitioner was in custody in another case, in a case of recovery under NDPS Act. Except for the alleged secret information, there is no material gathered by the prosecution agency to connect the petitioner with the recovery. The petitioner having not been arrested along with the bags, it will

certainly be a debatable issue whether he could be said to have been found in actual physical possession of the poppy husk which was allegedly recovered from the drain.

The petitioner is no doubt involved in few other cases but *prima facie* the culpability of the petitioner is to be appreciated from the facts of a particular case. Since the challan has already been presented, the petitioner can be granted the concession of bail in the present case. The applicability of Section 37 of NDPS Act will also be a debatable issue.

The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

05.05.2016
Neha