

**Sr. No.218
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-7290 of 2016 (O&M)

Date of Decision: 16.03.2016

Kulbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Vivek Goyal, Advocate,
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.24 dated 24.03.2009, under Section 15/61/85 of Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act') and Sections 465, 467, 468, 471 and 120-B of Indian Penal Code (offences under IPC added lateron), registered at Police Station Lohian, District Jalandhar.

As per prosecution version, secret information was received that the present petitioner as also one Puran Singh were bringing poppy husk in a truck. Based on such secret information, nakabandi was carried out and from a vehicle an alleged recovery of 25 bags of poppy husk containing 34 kgs. each was effected.

As per prosecution version, both the occupants of the truck managed to run away and escaped from the spot.

This is a case where recovery has not been effected from

the present petitioner. No evidence has come on record to connect the present petitioner with a vehicle in question from where an alleged recovery was effected.

Petitioner has been shown to have been arrested in the present case on 29.07.2015. Even though Court has been apprised that the petitioner is involved in another FIR under the NDPS Act i.e. FIR No.81 dated 29.05.2015, registered at Police Station Sultanpur, District Kapurthala, it has been conceded that there were general allegations in such case and the petitioner has already been granted benefit of regular bail.

Without making any observations on merits, the petitioner is held entitled to the benefit of bail. Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

Disposed of.

16.03.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**