

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**CRM-M-126 of 2017 (O&M)**

**Date of Decision : 21.02.2017**

Mohd. Riaz

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Ishan Gupta, Advocate  
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

**Surinder Gupta, J.**

Present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail for petitioner-Mohd. Riaz in case bearing FIR No. 148 dated 27.10.2016, for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City-I, Malerkotla, District Sangrur.

As per case of prosecution, a police party headed by ASI Jagjeet Singh, was present at a distance of 200 yards from T-point Khanna Road, Malerkotla, when a white colour car was spotted coming towards the police party. On seeing the police party, a clean shaven person stopped the vehicle and ran away from the spot but he was identified by HC Balbir Singh-571 as Riaz Mohammad son of Niaz Mohammad. On search of the vehicle, 164 bottles of Corex and 225 strips, each strip having 10 tablets, of Carisoma, were recovered.

Learned counsel for the petitioner has sought pre-arrest bail for the petitioner on the ground that even earlier police was after the petitioner and a petition was filed by his wife for issuance of writ of habeas corpus in

which a warrant officer was appointed. The petitioner was found in illegal custody of the police of Police Station City-I, Malerkotla by the warrant officer appointed by this Court, who submitted his report dated 30.07.2014 to this effect. Again wife of the petitioner filed a habeas corpus petition in this Court bearing CRWP No. 1414 of 2016, which was withdrawn on 04.11.2016 as the petitioner, on receipt of notice, had been released by the police from illegal confinement.

Learned State counsel has argued that the petitioner is involved in the trade of narcotics and the petition for habeas corpus was filed whenever he has to carry the consignment. In this case he had ran away from the spot on witnessing the police but was identified by one of the members of police party. Recovery of contraband from the car is of commercial quantity and custodial interrogation of the petitioner is required. Grant of pre-arrest bail to the petitioner will adversely effect the prosecution case against the petitioner.

The petitioner is named in the FIR. Recovery of commercial quantity of narcotics was effected from his car. The fact that he was found in illegal confinement of the police in the year 2014, cannot be taken as a reason for grant of pre-arrest bail to the petitioner in this case.

Keeping in view the gravity of offence and that recovery of contraband falls in commercial category of recovery of contraband from the petitioner, this bail application is declined.

**February 21, 2017**

jk

**( SURINDER GUPTA)**

**JUDGE**

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No