

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-4285 of 2017

Date of Decision: 20.04.2017

Satnam Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Arun Singla, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 2 dated 12.01.2017 registered for offences punishable under Sections 15 and 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Bholath, District Kapurthala.

Heard.

Learned counsel for the petitioner submits that the petitioner has already joined the investigation under order dated 09.02.2017. Earlier the petitioner was convicted and sentenced in three cases under NDPS Act, registered against him in the years 1999, 2001 and 2013. He has undergone sentence in all those case. In this case the police has alleged recovery of 8 kgs. of poppy-husk and ½ kg. of opium from the house of petitioner, who was not arrested at the spot and his custodial interrogation is not required.

Learned State counsel submits that the petitioner is a habitual offender, who has been convicted in three cases for offences punishable

under the provisions of NDPS Act and two cases under the provisions of Excise Act, as such, he is not entitled to benefit of pre-arrest bail in this case.

On giving a careful thought to submissions of learned counsel for the petitioner and learned State counsel, I find that recovery in this case is from the premises alleged to be owned by the petitioner and he was not arrested at the spot. As to whether recovery was from his conscious possession, is to be seen by the trial Court.

Keeping in view above facts but without expressing any opinion on the merits of the case, this petition is allowed and order dated 09.02.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

April 20, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No