

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

**Crl. Misc. No.M-10633 of 2018 (O&M)
Date of Decision: August 29, 2018.**

Wasim Ahmad Lone

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kushal Deep S. Sandhu, Advocate
for the petitioner (s).

Mr. Sandeep Kumar, D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.266 dated 14.11.2017 registered for the offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Ludhiana.

Heard.

Learned State counsel has placed on file copy of the entry regarding keeping the boxes in cold storage and statement of Rajan Kumar, who is working as Munshi in the cold storage, wherein he has stated that the boxes in which the poppy-husk was found, were kept in his cold storage by Wasim Ahmad. He had stored 20 cartons of apple with him. He kept these cartons in Chamber No.5 after making entry at Serial No.12484. On

13.11.2017, petitioner had taken one carton of apple and another carton on 14.11.2018 and three other cartons on the same day. He also made entry to this effect in his register. The police after arresting Bilal Ahmad and Wasim Ahmad came to cold storage and recovered 9 cartons of fruits in which poppy-husk was recovered.

Learned counsel for the petitioner has argued that the entry in the register is a tampered one. The date of 12.11.2017 has been incorporated at later stage.

I find no substance in the submission of learned counsel for the petitioner at this stage. The recovery effected from the petitioner is of commercial quantity of contraband. It has been submitted that co-accused whose bail was cancelled, has escaped and proceedings to declare him proclaimed offence are pending. Petitioner, who is resident of Jammu and Kashmir, may also escape if allowed bail. At this stage, there is no reason to disbelieve statement of Munshi of cold storage that carton from which poppy husk was recovered, were brought in cold storage with apple cartons by petitioner.

Keeping in view the gravity of the offence and that recovery of contraband is of commercial quantity, no ground to extend the benefit of regular bail to the petitioner is made out. This petition has no merits.

Dismissed.

August 29, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No