

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.207

CRM-M-10983-2018

Date of decision : 21.03.2018

Hargobind Singh @ Laddi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Gurpal Singh Sandhu, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.115 dated 22.05.2017, registered at Police Station Lambi, District Sri Muktsar Sahib, under Sections 22, 61 and 85 of NDPS, 1985.

According to the contents of the FIR, 1200 tablets of Alprazolam were recovered from the conscious possession of the petitioner and the same have been proved to be 'Alprazolam' by the report of the FSL.

Learned counsel for the petitioner contends that the petitioner had only taken a lift on the motorcycle and he was not aware that the rider of the motorcycle was carrying Alprazolam. He has also placed reliance upon order dated 06.04.2017 passed by a coordinate Bench of this Court in CRM-M-10288-2017 and order dated 29.01.2018 passed in CRM-32387-2015 in CRA-S-840-SB-2015.

Learned State counsel has however, opposed the grant of bail on the ground that the recovered contraband was commercial quantity of Alprazolam and that it has not been stated by the petitioner that he had taken a lift from the rider of the motorcycle and that the rider was carrying the contraband in a polythene bag being held in his hands. He has also placed

reliance upon a Division Bench judgment of this Court in 'Inderjit Singh @ Laddi and others Vs. State of Punjab, 2014 (3) RCR (Crl.), 953', to contend that even if the recovery is of a manufactured drug containing a narcotic substance, trial under the NDPS Act, 1985 is maintainable.

At the stage of grant of regular bail, I cannot take notice of the statement of learned counsel for the petitioner that the petitioner had in fact taken a lift. This can only be proven after trial and therefore, the contention is rejected. So far as, the contention regarding the applicability of NDPS Act, 1985 is concerned, the judgment of Inderjit Singh @ Laddi (supra) is against the petitioner and therefore, the judgments referred to by him are of no help.

In view of the above, the petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

21.03.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No