

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No.M-16904 of 2018 (O&M)
Date of decision : 01.06.2018

Samar Singh alias Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

Petitioner has preferred the instant petition under Section 438 Cr.P.C., for grant of anticipatory bail in case FIR No.01 dated 30.11.2017, registered under Sections 18, 21, 25, 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (in short 'the Act') at Police Station SSOC Fazilka, District Fazilka.

This is a case of the huge recovery of contraband which falls within commercial quantity under the provisions of the Act.

As per the prosecution story, huge quantity of heroin was recovered from Mukhtiar Singh alias Kaali and Gurnam Singh alias Thammu. All of them alongwith petitioner were cultivating the fields on the land adjoining to the Pakistan border. It is allegation against the petitioner that all of them have been supplying heroin, arms etc. and they have links with Pakistani smugglers. It has been further revealed by Mukhtiar Singh and Gurnam Singh that infact they in connivance with

Samar Singh alias Sharma and Sandeep Singh alias Bunty and under

conspiracy were taking the land on the indo-Pak border and smuggling narcotics as well as illegal weapons.

On this basis, petitioner has been arrayed as accused. Police want to recover the contraband from him and also want to ascertain the source of contraband smuggled in India. The quantity recovered from the co-accused is commercial. Hon'ble Supreme Court in Satpal Singh vs. State of Punjab 2018 (5) Scale 519 has discussed a similar matter. In that case also, one of the accused was nominated by not arresting from the spot. Rather, in the disclosure statement made by the arrested accused, it is stated that he was also in conniving with them and he arranged the contraband. The Hon'ble Supreme Court dismissed the application for bail by observing that the provisions of Section 37 of the Narcotic Drugs & Psychotropic Substances Act are applicable.

Keeping in view the facts and circumstances of the case, the petitioner is not entitled to the concession of anticipatory bail.

Accordingly, the instant petition stands dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

01.06.2018
mamta-M

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No