

CRM-M No.23728 of 2018
DATE OF DECISION:02.07.2018

Gulshan Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARYPresent: Mr. Hardial Singh Batth, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.24, dated 03.02.2018, registered under Sections 15/ 25/ 61/ 85 of the NDPS Act at Police Station Machiwara, District Ludhiana.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the case as he was working as Cleaner on the alleged truck from which the alleged recovery was effected. The alleged substance was not recovered from the conscious possession of the petitioner. There is no other case of NDPS Act pending against him and no FSL report has been received so far and unless the report is received, it cannot be said that the alleged recovery falls under NDPS Act.

Learned State counsel has also not disputed about non-receipt of FSL report and also the fact that the petitioner was working as Cleaner.

Keeping in view that the alleged recovery is of 56 kg of poppy husk and in the absence of any FSL report, it cannot be said that it is a narcotic substance, the present petition is allowed and the petitioner is directed to be released on interim bail, till the receipt of Chemical Examiner report. In case the report is received and it is found that the alleged recovery falls under NDPS Act then petitioner be taken into custody.

02.07.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No