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

**CRM-M No.25627 of 2018 (O&M)**

**Date of decision: 27.07.2018**

Mohd. Safi

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

**Present:** Mr. Satbir Gill, Advocate  
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

**ARVIND SINGH SANGWAN J. (Oral)**

**CRM-25598-2018**

Heard.

Allowed as prayed for.

The order dated 05.07.2018 and 10.07.2018 are taken on  
record as Annexures P2 and P3.

**CRM-25599-2018**

Heard.

Allowed as prayed for.

**MAIN CASE**

Prayer in this petition is for grant of anticipatory bail to the  
petitioner in FIR No.41 dated 26.05.2018 registered under Sections  
15/61/85 of the Narcotic Drug and Psychotropic Substances Act (in  
short 'the NDPS Act') at Police Station Sandaur, District Sangrur.

Counsel for the petitioner has submitted that as per the  
allegation in the FIR, which was registered on the basis of a secret

information, 02 trucks bearing No.PB-11-CF-5840 driven by Mohammad Imran @ Maani and another truck bearing No.PB-10-BW-5040 driven by Mohd. Safi, are coming and the drivers are bringing poppy straw from outside in order to supply the same in villages. After registration of the FIR, the police installed a barrier and at the spot, the conductor of the second truck bearing No.PB-10-BW-5040 namely Mohd. Ramzan, was arrested and recovery of 32 kgs of poppy straw was recovered whereas the present petitioner namely Mohammad safi succeeded in escaping from the spot.

Counsel for the petitioner has further submitted that the petitioner was not arrested and he may be granted anticipatory bail as 03 other co-accused, who were arrested at the spot have already been granted the concession of regular bail.

Counsel for the State, on instructions from ASI Satwinder Singh, has, however opposed the prayer for bail on the ground that the petitioner is the registered owner of the truck bearing No.PB-10-BW-5040 and though, he was not arrested at the spot and it has come in the investigation that apart being the registered owner, he himself was driving the aforesaid truck at the relevant time.

Counsel for the petitioner could not rebut the fact that the petitioner is the registered owner of the truck and it is not the case of the petitioner that on the date of incident, some other person was driving the truck.

In view of the above and considering the fact that from the truck of the petitioner i.e. PB-10-BW-5040, recovery of 32 Kgs of poppy straw was effected and the co-accused i.e. conductor appointed by the petitioner was apprehended at the spot, thus, no opinion can be

found by this Court that the petitioner is an innocent person.

Dismissed.

(ARVIND SINGH SANGWAN)  
JUDGE

27.07.2018

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No