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22/08/2018
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-33203-2017

Date of Decision: 20.08.2018

Manpreet Singh

...Petitioner

vs.

Narcotics Control Bureau Chandigarh

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S.Brar, Advocate
for the petitioner.

Mr. D.D.Sharma, Advocate
for the respondent.

ARVIND SINGH SANGWAN,J

Prayer in this petition is for grant of regular bail to the petitioner.

Learned counsel for the petitioner submits that as per the prosecution version, on receiving the secret information on 07.07.2016, that a person, named, Lakhwinder singh (co-accused) was coming from Madhya Pradesh, by driving the truck bearing registration No. PB-13-X-9070 and was carrying a consignment of 03 kg opium, a team way laid a barrier and stopped the truck near the Furniture Market. The driver, on being asked, disclosed his identity as Lakhwinder Singh and the person sitting in the cabin of the truck disclosed his identity as Manpreet Singh (petitioner). It was informed that truck was loaded with 28 tonnes of Masoor Dal and on checking the same, 03.220 kg. of opium was recovered from co-accused Lakhwinder Singh, vide recovery memo (Annexure A2). Counsel further submits that the petitioner was cited as a witness to this recovery memo and he had signed the same as token thereof.

Counsel for the petitioner further submits that the truck remained in possession of the respondent-Bureau, thereafter, w.e.f. 07.07.2016 and after a gap of about 7 days, on re-searching the same truck, the recovery of 21 bags of poppy-husk was recovered from co-accused Lakhwinder Singh. He further submits that the petitioner, at the time of second recovery, was not present at the spot and he was not even called when recovery was effected. Later on, he was arrested on 25.11.2016 by invoking Section 67-A of the NDPS Act. He further submits that the petitioner is not involved in any other case and was working as one time helper of truck and is in custody since 25.11.2016. He further submits that this petition is pending since 13.09.2017 and on various dates request has been made by learned counsel for the respondent-Bureau that the prosecution evidence will be concluded soon but till date, the prosecution evidence has not been concluded.

Counsel for the respondent-Bureau has not disputed the factual position.

Considering the fact that the petitioner is in custody since 25.11.2016 and the case is fixed for prosecution evidence and it will be debatable issue whether the petitioner was in conscious possession of the recovery of 21 bag which were recovered in his absence, to be decided during the course of trial, the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate.

Disposed of.

20.08.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No.
Whether Reportable : Yes/No