

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

CRM-M-44749-2018

Date of decision:23.10.2018.

VIJAY KUMAR ALIAS BHASURRI

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Prateek Sodhi, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.177 dated 15.09.2018, registered under Sections 15 and 21 of NDPS Act, 1985, at Police Station Cantonment, Amritsar.

As per prosecution, a police party on the basis of secret information after apprising the concerned officers, raided the house of the petitioner, however, noticing the police party, the petitioner fled away from the spot throwing a polythene bag held by him in his right hand. After conducting the search of this bag, 380 capsules and Rs.41,200/-were recovered therefrom by the raiding party.

Learned counsel for the petitioner states that petitioner has been falsely implicated in the present case. The recovery was never effected from the person of the petitioner. The case is a planted one.

Learned State counsel, on instructions from ASI Partap Singh

has argued that there were two other FIRs against the petitioner, i.e. FIR.

No 143 of 2014, under Sections 21 and 22 of the NDPS Act, registered at Police Station Cantonment, Amritsar and the other FIR No. 240 of 2012, under the Punjab Excise Act, 1914. On the relevant date, when the police acted on the basis of secret information and was in the process of raiding his house, the petitioner, noticing the police party, ran away from the spot throwing the polythene bag which consisted of 380 capsules and an amount of Rs. 41,200/-.

Learned counsel for the petitioner further submits that even though the petitioner was accused in FIR No. 143 of 2014, under Sections 21 and 22 of the NDPS Act, registered at Police Station Cantonment, Amritsar and was convicted in that case, but he has already undergone the sentence.

Having heard learned counsel and considering the fact that earlier also the petitioner was earlier involved in two FIRs, one under the NDPS Act and the other under the Punjab Excise Act, this Court finds that at this stage the prayer of the prosecution has to be believed. The police party was comprising of 5-6 persons and recovery was effected from the bag which the petitioner threw after seeing the police party.

Petition is dismissed.

(HARI PAL VERMA)
JUDGE

23.10.2018
sunita

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No