

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

CRM-M-47558 of 2018.

Decided on:- November 29, 2018.

Satnam Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. K.B.S. Mann, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.123 dated 21.09.2018 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) as well as Sections 25 and 29 of the NDPS Act (added later on) registered at Police Station Nehianwala, District Bathinda.

As per the FIR, on 21.09.2018, when the police patrolling party headed by ASI Mukhtiar Singh was checking suspicious persons in village Daan Singh Wala, a secret information was received that Rajwinder Singh alias Vicky son of Gurjant Singh and Gurwinder Singh alias Jassa son of Pirthi Singh, residents of village Barkandi are habitual of selling intoxicated tablets in villages, namely, Ganga, Barkandi and other adjoining villages on a motorcycle bearing registration No.PB-04R-9625. The information being

reliable, both the accused were apprehended in the area of bridge of drain at village Daan Singh Wala while carrying a polythene bag containing 130 strips of Clavidol-100 SR containing 10 tablets each on the aforesaid motorcycle. They were not holding any licence or permit to carry the contraband.

Learned counsel for the petitioner has argued that the name of petitioner was not mentioned in the FIR and he has been arrayed as an accused on the basis of disclosure statement of co-accused Gurwinder Singh alias Jassa, which cannot be read against the petitioner. The recovery of alleged contraband has been effected from accused Gurwinder Singh alias Jassa and Rajwinder Singh alias Vicky. The petitioner has been linked merely because the motorcycle bearing registration No.PB-04R-9625 belongs to him. Earlier, the allegation was that the said motorcycle on which the co-accused were allegedly used to sell the intoxicants belongs to the petitioner, but now, it is on the basis of statement made by co-accused Gurwinder Singh alias Jassa, the petitioner has been named as an accused.

On the other hand, learned State counsel has argued that the recovery was effected from co-accused Gurwinder Singh alias Jassa and Rajwinder Singh alias Vicky. However, during the course of investigation, on the interrogation of co-accused Gurwinder Singh @ Jassa, it has been disclosed that the petitioner used to supply the intoxicating tablets.

I have heard learned counsel for the parties.

The allegation against the petitioner is that it is he, who used to supply the contraband to the co-accused. Therefore, considering the recovered quantity of the contraband i.e. 130 strips of Clavidol-100 SR containing 10 tablets each and the fact that the petitioner used to supply the contraband, this

Court finds that no ground is made out for grant of anticipatory bail to the petitioner.

The present petition is, accordingly, dismissed.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

November 29, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No