

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49391-2018

Date of decision: 19.11.2018

Avtar Singh @ Babu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. L.S. Sekhon, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail in FIR No.82 dated 06.06.2018 under Sections 15 & 25 of NDPS Act, registered at Police Station Sadar Dhuri, District Sangrur.

As per allegations in the FIR, on 06.06.2018, the Investigating Officer, who was holding a *naka*, gave a signal to one Swift car to stop but driver of the said car tried to run away and hit the same to a tree. The person sitting along with the driver ran away from the spot and the driver, who named himself as Raj Singh, was apprehended at the spot and disclosed the name of another person as Avtar Singh i.e. the petitioner, who ran away from the spot. The police thereafter conducted a search and recovered 100 kg of poppy husk from the car and during investigation, it was found that HC Baldev Singh identified the petitioner, as he was earlier known to him.

Learned counsel for the petitioner submits that since the petitioner was not apprehended at the spot, therefore, he cannot be deemed to be in conscious possession of the contraband recovered from the car.

Learned State counsel, on instructions from ASI Pritpal Singh, has however opposed the prayer for bail on the ground that the petitioner is registered owner of the car, from which the recovery was effected and the allegations in the FIR are serious that driver of the car was apprehended at the spot, who tried to run away and struck the car with a tree, from where the petitioner has ran away and he was identified by HC Baldev Singh, apart from the disclosure statement of co-accused Raj Singh, who was driving the car and was employed by the present petitioner.

Considering the fact that quantity of contraband is 100 kg, which is commercial quantity, I find no ground to grant the concession of anticipatory bail to the petitioner.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

19.11.2018
vishnu

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