

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

CRM-M-50321-2018 (O&M)

Date of Decision:-21.11.2018

Sawinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No.128 dated 5.6.2015 under Sections 21 and 22 Narcotic Drugs and Psychotropic Substance Act, 1985 (Sections 25 and 29 of NDPS Act were added later on) and Section 61 of Punjab Excise Act, 1914 at Police Station Sardulgarh, District Mansa.

The allegations, in nutshell, are that on 5.6.2015, when the police party was patrolling, a secret information was received to the effect that one Lakhbir Singh @ Gurditta and Swaran Singh @ Sadha are into business of selling illegal liquor and intoxicants and would be passing in a vehicle (canter) bearing registration No.PB-11-BN-5273. Pursuant to receipt of aforesaid information, barricading was laid and the aforesaid truck in question was apprehended. The search of two occupants of the truck yielded recovery of 250 grams of intoxicant powder containing 'Alprazolam' from

personal search of Swaran Singh @ Sadha while no recovery was effected from personal search of Lakhbir Singh @ Gurditta. However, the truck was found to be loaded with 10 drums of illicit liquor.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case solely on the ground that he is owner of the truck in question. It has further been submitted that the alleged illicit liquor upon analysis was found to be “spirit” and that in these circumstances no offence under Section 61 of Punjab Excise Act would be attracted.

On the other hand, the learned State counsel has submitted that the involvement of the petitioner is apparent from the fact that his truck was being used for nefarious activities and one of the person travelling in the truck was found to be carrying 250 grams of ‘Alprazolam’.

Having considered rival submissions addressed before this Court, I find that it would certainly be debatable as to whether the petitioner can be held responsible for any recovery stated to have been made upon personal search of one of the occupants of the truck, especially when the petitioner was not accompanying the said co-accused.

As far as the alleged illicit liquor is concerned, the same has been found to be spirit. The petitioner has been behind bars since the last more than 2½ months and challan has already been presented.

Having regard to the aforesaid facts and circumstances of the case, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars as the trial in its normal course is likely to take some time for its conclusion. The present petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail

bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands accepted accordingly.

21.11.2018

pankaj

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No