

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-6098-2018  
Date of Decision:- 09.03.2018

**Billa @ Pappu**

.....Petitioner

**Versus**

**State of Punjab**

.....Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Ms. Arti Kaur, Advocate,  
for the petitioner.

Mr. Amitoj S. Dhaliwal, DAG, Punjab.

\*\*\*\*

**MAHABIR SINGH SINDHU, J. (Oral)**

Present petition has been filed under Section 438 of the Code of Criminal Procedure ('Cr.PC' – for short) for grant of pre-arrest bail to the petitioner in case FIR No.8 dated 27.1.2018 (P-1), under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Sadar, Nawanshahar, District SBS Nagar.

2. Short reply by way of affidavit filed on behalf of respondent today in the Court and the same is taken on record. A copy thereof has been supplied to opposite counsel.

3. Perusal of the above affidavit reveals that the petitioner ran away and he could not be apprehended as he had fled away into the field of thick sugarcane crop.

4. It is contended by learned counsel for the petitioner that recovery is only 10 Kgs. of poppy husk and that is small quantity. It is further contended by the counsel for the petitioner that no other case under the NDPS Act is pending against the petitioner and that fact is duly acknowledged by the learned State counsel on instructions from the police official, present in the Court.

5. However, learned State counsel has opposed the bail application on the ground that the accused could not be apprehended and his custodial interrogation is required in this case.

6. After hearing the learned counsel for the parties, without commenting anything into the merits of the case, this Court deems it appropriate to allow the petition in view of the fact that recovery is only 10 Kgs. of poppy husk and it is matter of trial to be seen as to whether the recovery belongs to the petitioner or not? Moreover, no other case is pending under the provisions of the NDPS Act against the petitioner. In view of the stand taken by both the parties, the present petition is allowed and it is directed that the petitioner shall join the investigation before the Investigating Officer within one week and in the event of his arrest, the

Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.

March 09, 2018  
naresh.k

( MAHABIR SINGH SINDHU )  
JUDGE

|                           |     |
|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | Yes |