

**In the High Court for the States of Punjab and Haryana
at Chandigarh**

CRM-M No.5320 of 2019

Date of Decision: 10.04.2019

Balpreet Singh @ Balli

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL.J. (Oral)

Petitioner-Balpreet Singh @ Balli has approached this Court seeking grant of regular bail in a case registered against him vide FIR No.83, dated 26.07.2018, under Sections 15, 25 and 29 of NDPS Act 1985 registered at Police Station Barnala, District Barnala.

The FIR was lodged on the basis of secret information received by the police to the effect that a truck bearing Registration No.PB-13-AB-6317 was parked in grain market Khuddi Kalan and 5 persons were tending to the bags loaded in the same which contained some objectionable material. Upon receipt of said information, the police party reached the grain market and noticed that 5 persons were setting bags in the truck. Upon inquiry the said persons disclosed their names as Gurvinder Singh @ Kaka, Balpreet Singh @ Balli, Gurjoban Singh, Gurcharan Singh and Kuldeep Singh. Upon search of the truck, it was found that there were 25 bags weighing 36 kg each containing poppy husk.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he was merely a labourer working for co-accused and he cannot be attributed conscious possession of the allegedly recovered contraband.

Opposing the petition, learned State Counsel has submitted that the

petitioner is specifically named in the FIR and that in fact during investigation it has been found that the truck in question belongs to father of co-accused Gurvinder Singh R/o Jammu Patti and that the petitioner also hails from the same village and has been working with said Gurvinder Singh co-accused.

Learned State counsel has further submitted that in fact during the course of investigation, the police had collected call details record which clearly indicates that Balpreet Singh @ Balli and Gurvinder Singh @ Kaka had exchanged a large number of telephone calls and said Gurvinder Singh @ Kaka was regularly in touch with the supplier namely Dinesh of Rajasthan and which would suggest the complicity of the petitioner in the entire matter.

Having regard to the aforesaid facts and circumstances, it certainly cannot be said that the petitioner is merely working as a labourer/helper for co-accused Gurvinder Singh as the petitioner cannot absolute feign ignorance about the contents of the bags loaded in the truck. Since it is poppy husk which was carried in huge quantity in the truck and the petitioner was also helping in the said process and there was a definite secret information to this effect which has been substantiated from the arrest of the petitioner on the spot from where recovery was effected the complicity of petitioner is evident. The recovery of 900 kg poppy husk falls within the category of commercial quantity, as such, the fetters imposed by Section 37 of the NDPS Act would also be attracted. The petition is sans any merit and is hereby dismissed.

10.04.2019
Ali

(Gurvinder Singh Gill)
Judge

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No