

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

**CRM-M-4068-2019 (O&M)  
Date of Decision: 15.02.2019**

**Javed Ahmad Wani**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Sahil Puri, Advocate for  
the petitioner.

Ms.Sanint Kaur, DAG, Punjab.

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**HARINDER SINGH SIDHU, J.**

This is a petition under Section 439 CrPC seeking bail in case FIR No.156 dated 6.10.2018 under Section 15 of the Narcotic and Psychotropic Substances Act, 1988, Police Station Bhogpur, District Jalandhar.

Allegations in the FIR are that on 6.10.2018 a police party was present at Adda Pachranga, Main GT Road Bhogpur-Jalandhar in connection with patrolling and checking of bad elements. A police party headed by ASI Mukhtiar Singh of Counter Intelligence of Pathankot Police also joined them and joint nakabandi was laid. They started checking of vehicles coming from Pathankot side. Some time thereafter one Santro car followed by one truck and one Activa Scooter were noticed coming from the Pathankot side, which were intercepted. Four persons having trimmed skull hair were sitting in the

car and two persons having trimmed skull hair were sitting in the truck. The

Activa Scooty was being ridden by a Sikh man and one person having trimmed hair was on the pillion. The driver of the car revealed his name as Javed Ahmed Wani (the petitioner). The person sitting on front adjoining seat revealed his name as Vishal Sharma. Similarly the other persons also disclosed their names. On checking of the said vehicles, five bags of poppy husk weighing 20 Kg each were recovered from the Santro Car, nine bags of poppy husk weighing 20 kg each were recovered from the truck and 20 kg of poppy husk were recovered from the Active Scooter. Thus a total of 300 kilograms of poppy husk was recovered.

Ld. Counsel for the petitioner has argued that there are serious flaws in the investigation. The mandatory provisions have not been complied with.

It is not possible to opine on the same at this stage. As yet only the charges have been framed. No witness has been examined.

The quantity recovered is commercial. The petitioner has been arrested at the spot. The limitations of Section 37 of the NDPS Act are attracted.

No case is made out for grant of bail, at this stage.

The petition is dismissed.

**February 15, 2019**

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**(HARINDER SINGH SIDHU)**

**JUDGE**

Whether speaking/reasoned