

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

**CRM-M-4496-2019 (O&M)
Date of Decision: 03.04.2019**

Sukhwinder Singh @ Sukhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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

Mr.Karanbir Singh, AAG, Punjab.

HARINDER SINGH SIDHU, J.

This petition has been filed under Section 439 CrPC seeking regular bail in case FIR No.0207 dated 06.10.2018 under Sections 15, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Sarabha Nagar, Police Commissionerate Ludhiana.

Allegations in the FIR are that on 6.10. 2018 secret information was received by ASI Sulakhan Singh that Lakhbir Singh s/o Gurdev Singh and Sukhwinder Singh @ Sukhi s/o Sohan Singh (petitioner) and Gurwinder Singh @ Goldy s/o Kuldeep Singh are involved in the illegal business of selling poppy husk. All the three of them together invest money for the said purpose and after selling the poppy husk divide the profit among themselves. For carrying out this illegal business, they use one Scorpio car No.PB-08-AJ-6262 and Swift car bearing No.PB-29N-7690. On the windscreens of

both the vehicles, TV-PRESS is written, so that they are not stopped at any

police naka. It was further informed that they had loaded poppy husk in huge quantity in the said vehicles and were coming to Ludhiana city. On this information, a Naka was laid. Lakhbir Singh and Gurwinder Singh @ Goldy were found travelling in the Scorpio and 2 quintals and 70 kilograms of poppy husk was recovered from that vehicle. The petitioner was in the Swift car and 30 kilograms of poppy husk was recovered from the car. Thereby a total of 3 quintals of poppy husk was recovered from the Scorpio and Swift car.

Learned counsel for the petitioner has mainly contended that the recovery from Swift car in which the petitioner is alleged to be travelling is only 30 kilograms, which is non-commercial. Hence, he is entitled to be released on bail.

Learned counsel for the State has opposed the grant of bail to the petitioner by contending that all the three accused were jointly engaged in the business of illegal sale of poppy husk. Both the vehicles were intercepted at the same time. The total recovery is about 3 quintals of poppy husk. All the three have to be taken to be in joint possession of the entire contraband recovered. He relies of a decision of a Full Bench of this Court in **Bhupinder Singh alias Bhinda vs. State of Punjab, 2005(1) RCR(Crl.) 168.**

The secret information was received that all the three accused were dealing in the business of sale/purchase of poppy husk. The information also disclosed the number of both the vehicles, which were intercepted later on at the Naka and the recovery was made. With such allegations the petitioner who was travelling in one of those two vehicles,

cannot be considered separately from the other two accused. Thus, there is no ground to grant bail to the petitioner.

Dismissed.

April 03, 2019
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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No