

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

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**CRM-A-968-2019 (O&M)
Date of Decision : 19.09.2019**

Narcotic Control Bureau, Chandigarh Zonal Unit

... Applicant

Versus

Sanjeev Kumar

...Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. D.D.Sharma, Senior Standing Counsel for the applicant.

AJAY TEWARI, J.(ORAL)

1. The Narcotic Control Bureau, Chandigarh Zonal Unit has filed the present application under Section 378(4 & 5) Cr.P.C. for grant of leave to appeal against the judgment dated 03.10.2018 passed by the learned Judge, Special Court, Chandigarh

2. Vide impugned judgment, the trial Court has acquitted respondent in Crime No. 26 dated 08.07.2016, under Sections 8, 9(A), 22, 25(A), 29 and 60 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (hereinafter referred as 'NDPS Act') registered at Police Station NCB Zonal Unit, Chandigarh.

3. As per the allegations, on 08.07.2016 a secret information was received by I.O. Rajinder Singh, Narcotic Control Bureau (hereinafter referred s 'Bureau') that respondent is selling ICE (Amphetamine) near the

NAC market parking Manimajra and was likely to make a delivery over there at about 1300 hours. After reducing the information in writing and laying it before the Superintendent of Bureau, further action was taken and team of the bureau was sent to apprehend the respondent-accused. At about 1315 hours, he was identified and apprehended. Ultimately one black colour cotton bag containing three sealed silver pouches were recovered from the dicky of the scooter he was having in his possession bearing No. CH03-H-7212. Upon opening all the pouches one by one white powder material was found which was checked on Drug Detection Kit and the same was tested positive for Amphetamine. The total weight of which was 480 grams. All the proceedings were conducted by I.O. Rajinder Singh. Thereafter, the team went to the house of the accused at about 1430 hours but nothing suspicious was found therein and this was witnessed by the Panchnama which was completed at about 1500 hours. What weighed with the trial Court was the papers of another complaint which has been filed by the Bureau against one Lakhwinder Singh. As per those papers, it transpired that during the time when the raid was conducted on the respondent-accused in the present case and thereafter on his house, the same I.O. was shown to be conducting similar proceedings in respect of the accused in that case. This presence of the same I.O. at two different places at the same time led the Court to the conclusion that the case against the respondent-accused was not proved beyond reasonable doubt.

4. Learned counsel appearing for the Bureau has not been able to explain this small miracle where a person has been found to be present at two different places at the same time.

5. Consequently, the application seeking leave to appeal is dismissed. Leave to appeal is declined.

(AJAY TEWARI)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

19.09.2019
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<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>