

209

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21438-2019
Date of decision-20.05.2019

Rahul @ Rahil

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab assisted by
HC Dawinder Pal Singh.

MANOJ BAJAJ, J.

Petitioner-Rahul @ Rahil has prayed for grant of anticipatory bail in case FIR No.0188 dated 07.09.2018 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1881 registered at Police Station City Ferozepur, District Ferozepur.

The FIR was registered with the allegations that on 07.09.2018, when the Police party was on patrol duty, a secret information was received that Bunty, Saleem and Rahul who are riding on motorcycle roaming around market and they are engaged in selling intoxicant tablets. Upon raid they all can be apprehended with intoxicant tablets in their possession. Police acted upon this information and 1100 intoxicant tablets were recovered from Saleem.

Learned counsel for the petitioner contends that at the time of

occurrence, the petitioner was not present at the spot. The alleged recovery of 1100 intoxicant tablets were recovered from co-accused, namely, Saleem (brother of petitioner) and nothing is to be recovered from the petitioner. He further contends that no other case is pending against the petitioner and provisions of Section 50 of NDPS Act are not complied with.

On the other hand, learned State counsel assisted by HC Dawinder Pal Singh opposed the bail application, however, it is not disputed that petitioner was not present at the spot when contraband was recovered from co-accused.

In view of the above, it is ordered, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to the conditions as provided under Section 438 (2) Cr.P.C. He shall join investigation as and when called for by the Investigating Officer. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

20.05.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No