

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

**CRM-M No.47644 of 2018  
Decided on: 28.05.2019**

Ram Sarup

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN**

**Present :** Mr. Rajesh Kumar Garg, Advocate  
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

**ARVIND SINGH SANGWAN, J. (Oral)**

The petitioner prays for grant of regular bail in FIR No.0170 dated 01.09.2018 registered under Sections 15/61 of the NDPS Act at Police Station Shahzadpur, District Ambala.

The operative part of the order dated 14.01.2019, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

*“...Counsel for the petitioner has submitted that as per the allegations in the FIR, Jorajeet Singh, SI, CIA Staff Naraingarh, got the aforesaid FIR registered with the allegations that he was on patrol duty and the petitioner was seen by the police party carrying a plastic bag on his shoulder. On seeing the police party, the petitioner tried to abscond and was apprehended by the police party and on enquiry, he disclosed his name and address. Thereafter, the police recovered 05 Kgs. of poppy straw (churapost) by opening the plastic bag carried by the petitioner. It is*

*further argued that no procedure under Section 50 of the NDPS Act was followed as no option was given to the petitioner to be searched either before the Gazetted Officer or the Magistrate, even if there was suspicion against him.*

*Counsel for the State, on instructions from SI Vishwajeet Singh, has, however, submitted that after the registration of the FIR, a second Investigating Officer Bhup Singh was deputed to conduct further investigation but by that time recovery was already effected.*

*On the face of it, it is apparent that the concerned Sub-Inspector has not followed the procedure as per Section 50 of the NDPS Act.*

*Adjourned to 26.03.2019....”*

Status report by way of an affidavit of the Deputy Superintendent of Police, Ambala Cantt. filed by counsel for the State in the Court is taken on record, in which it is stated that the departmental action is taken against the erring official.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 14.01.2019 is made absolute.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**28.05.2019**  
*yakub*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable:       | Yes/No |