

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-29974 of 2019

Date of Decision: October 04, 2019

Budh Ram	Petitioner
Vs.	
State of Punjab	Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

-.-

Present:- Mr.K.B. Raheja, Advocate for the petitioner.
Mr.H.S. Multani, AAG, Punjab.

-.-

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 Cr.P.C. seeking pre arrest bail in case FIR No.86 dated 08.06.2019, under Sections 15, 25, 29 of NDPS Act, 1985, for short 'the Act', registered at Police Station Dhanaula, District Barnala.

Brief facts of the case are that on 08.06.2019 Inspector Baljit Singh, Incharge CIA Staff, Barnala, received a secret information that Amrik Singh @ Deepa and his conductor Gobind Singh @ Gopi, Paramjit Singh @ Pamma, Amandeep Singh @ Amna and Gurjant Singh @ Jantu, while travelling in Truck bearing registration No.PB-65-D-7371 and Zen Car bearing Registration No. DL-03CZ-5241 were carrying poppy husk. Inspector apprehended the above accused and recovered 500 kg of poppy husk from them.

Learned counsel for the petitioner contends that there is no recovery from the petitioner, rather he has been falsely implicated

merely on the basis of the disclosure dated 13.01.2019, made by one of the co-accused, namely, Amandeep Singh @ Amna. Further contends that statement of three witnesses recorded during investigation under Section 161 Cr.P.C. is absolutely of no value and moreover, none of them informed the police at the relevant point of time.

On the other hand, learned State counsel has opposed the prayer and submitted that the petitioner is not only a previous convict, but statements of three respectable inhabitants of the same village i.e. Sarpanch, member of Block Samiti and Panch, respectively, were also recorded under Section 161 Cr.P.C., apart from the disclosure of co-accused Amandeep @ Amna.

Heard both sides and perused the paper-book.

Undisputedly, petitioner is a previous convict under the provisions of the Act and three co-villages of the petitioner having good status got recorded their statements under Section 161 Cr.P.C. during investigation regarding the involvement of the present petitioner to the effect that he paid a sum of Rs.50,000/- to co-accused for brining poppy husk from Madhya Pradesh. Therefore, custodial interrogation of the petitioner is very much necessary to find out the actual source of contraband and since the recovery is commercial in nature, therefore, provisions of Section 37 of the Act are attracted.

In view of the above, no ground is made out to grant the concession of pre-arrest bail to the petitioner. Thus, the present petition is dismissed.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case.

October 04, 2019
sanjay

(MAHABIR SINGH SINDHU)
JUDGE

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