

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

**CRM-M-30496-2019  
Date of decision: 31.10.2019**

**Khushwinder Singh @ Jaggu**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

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

Present:- Mr. Ankush Thakral, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0005 dated 10.01.2019, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Lambi, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police party, while on a patrol duty for checking the suspected persons, saw the petitioner coming on a motorcycle. On seeing the police party, the petitioner became perplexed and tried to turn back his motorcycle, however, in the meantime, the motorcycle slipped away and one polythene bag, tied with the handle of the said motorcycle, got torn and some tablets came out of the same. On this, ASI Sukhdev Singh apprehended the petitioner and recovered 740 tablets of Tramadol Hydrochloride.

Learned counsel for the petitioner further submits that the

petitioner is neither the registered owner of the said motorcycle nor any notice under Section 50 of the NDPS Act was given to him.

Learned State counsel, on the basis of the affidavit of the S.S.P., Sri Muktsar Sahib, could not dispute that no notice under Section 50 of the NDPS Act was given, however, argued that since it was a case of chance recovery, therefore, no notice was given.

In reply, learned counsel for the petitioner submits that the personal search of the petitioner was also conducted and, therefore, it was mandatory for the police to give a notice under Section 50 of the NDPS Act in view of the judgment of Hon'ble Supreme Court rendered in “*State of Rajasthan vs Parmanand and another*”, 2014(2) RCR (Criminal) 40.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is a first offender and it is to be decided during the course of trial whether the provisions of Section 50 of the NDPS Act were followed during investigation or not, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

31.10.2019

*Waseem Ansari*

(ARVIND SINGH SANGWAN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*