

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

**CRM-M-38500-2019
Date of decision: 20.11.2019**

Gurtej Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Harpal Singh, Advocate for
Mr. G. S. Sandhu, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 60 dated 03.04.2019, registered under Section 22 of the NDPS Act, 1985 at Police Station Sangat, District Bathinda.

On 16.09.2019, while granting interim bail to the petitioner, the following order was passed:

“.....Learned counsel for the petitioner submits that as per the allegations in the FIR, SI Bogha Singh, along with ASI Gurcharan Singh and other police officials, was on patrol duty and when they reached near village Jassi Baghwali, they saw that three persons were distributing something by keeping the same on a cloth lying on the ground. On suspicion, SI Bogha Singh apprehended all the aforesaid three persons and after they disclosed their respective names, he saw that intoxicant tablets were clearly visible lying on the cloth. Thereafter, he recovered the different types of tablets, total 2050 tablets in number, and sealed the same.

Learned counsel for the petitioner further submits that there is a clear non-compliance of the provisions of Section 50 of the NDPS Act as neither any notice was served to the accused persons nor any Gazetted Officer or Magistrate was called at the spot.

Adjourned to 22.10.2019.

The Senior Superintendent of Police, Bathinda is directed to remain present in this Court on the next date of hearing along with an affidavit after verifying the manner in which the investigation has been conducted in this case.

Till the next date of hearing, the petitioner is ordered to be released on interim bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.”

Learned State counsel submits that in pursuance to previous order, S.S.P., Bathinda could not be present today as he was in personal difficulty, however, Mr. Gurwinder Singh Sangha, S.P. (D), Bathinda is present in Court.

Learned State counsel, on the basis of the affidavit of S.S.P., Bathinda, which is on record, submits that since it was a case of chance recovery, therefore, mandatory provisions of Section 50 of the NDPS Act will not apply to the present case. It is further submitted that necessary instructions have already been issued to all the investigating officers, who are conducting investigation in cases under the NDPS Act, to properly follow the prescribed procedure.

In view of the above, the present petition is allowed and order dated 16.09.2019, granting interim bail to the petitioner, is hereby made absolute.

20.11.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No