

112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8304-2020 (O&M)

Date of decision: September 30, 2020

Gurdeep Singh @ Laddi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Amandeep Kaur, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab
(through video conferencing).

ARVIND SINGH SANGWAN, J.

CRM-24147-2020

For the reasons stated in the application, the same is allowed and the hearing of the case is pre-poned from 2.11.2020 to today.

CRM-M-8304-2020

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.245 dated 28.12.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Sangrur.

Counsel for the petitioner has argued that the petitioner is in custody since 28.12.2019 and as per the allegations in the FIR, when the police party apprehended the petitioner, he suddenly threw a polythene bag on the side of the road and tried to ran away, he was over-powered by the police party and was arrested. Thereafter, on checking the polythene bag, 1700 of Clovidol-100SR tablets were recovered from the conscious possession of the petitioner.

Counsel for the petitioner has further argued that no notice under Section 50 of the NDPS Act was given and no proper procedure was followed. It is also argued that no independent witness was joined in the investigation and the recovery is doubtful. Counsel for the petitioner further argued that since the investigation is complete, the petitioner be released on bail.

In reply, learned State counsel has submitted that it is a case of chance recovery, therefore, Section 50 of the NDPS Act will not apply in view of the judgment of the Hon'ble Supreme Court. Learned State counsel has further submitted that the recovery is of commercial quantity and there is no allegation of malafide against the Investigating Officer and other police officials that they have falsely implicated the petitioner. He further submitted that since the petitioner was found to be in conscious possession of commercial quantity of the narcotics and his custody is only of 09 months, the bail application be dismissed.

After hearing counsel for the petitioner and the learned State counsel; considering the allegations in the FIR and that the recovery is of the commercial quantity, I find no ground to grant the regular bail to the petitioner.

Therefore, the petition stands dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

September 30, 2020
satish

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No