

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12180-2020 (O&M)
Date of Decision:-27.5.2020

Kala Singh @ Kala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, DAG, Punjab.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.41 dated 26.2.2020 at Police Station Kotwali, District Kapurthala under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. It is the case of prosecution that a secret information was received by the police to the effect that Sunny, Kala and Kanta bring '*poppy husk*' from Kashmir and sell the same and that on the said day Sunny was standing near Kajli Dam alongwith his truck bearing registration No.PB-06-G-2277 waiting for customers. It is further the case of prosecution that pursuant to receipt of said information the aforesaid Sunny was apprehended alongwith his truck and 20 bags of '*poppy husk*', each weighing 20 kilograms, were

recovered. It is further the case of prosecution that the aforesaid Sunny suffered disclosure statement to the effect that the petitioner Kala Singh @ Kala and Kanta were also involved in this racket.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and is mainly sought to be nominated on the basis of disclosure statement although he was never arrested at the spot.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and has a chequered history having eight cases registered against him including one case under Narcotic Drugs and Psychotropic Substances Act, no special case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioner is named in the FIR and huge quantity of '*poppy husk*' i.e. 400 kilograms was recovered from the co-accused, who has also nominated the present petitioner to be his accomplice and the fact that the petitioner is a habitual offender having been involved in eight other cases, this Court does not find any special case for grant of anticipatory bail.
7. Finding no merit in this petition, the same is dismissed.

27.5.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No