

CRM-M NO.14998 of 2020(O&M)
Date of decision: 20.07.2020

BASANT SHAH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr.Rajesh Duhan, Advocate
for the petitioner.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*VIVEK PURI, J. (ORAL)

Briefly, the FIR bearing No.38 dated 26.09.2019, Under Section-20 NDPS Act, Police Station Railway Police Patiala has been registered against the petitioner on the allegations of recovery of 5 kg of Charas on 26.09.2019.

It has been contended by the learned counsel for the petitioner that Mohd. Aarif, Co-accused has been granted bail and no independent witness has been joined at the time of recovery. The case of the petitioner cannot be termed at par with Mohd. Aarif, Co-accused as 220 gm of Charas was recovered from him which falls in the category of less than commercial quantity. Moreover, Mohd. Aarif, Co-accused was sought to be implicated on the basis of the confessional statement of the petitioner. Furthermore, it will be too early to conclude that the petitioner has been falsely implicated as no independent witness has been joined at the time of recovery.

In the case in hand 5kg of Charas has been recovered from the conscious possession from the petitioner which falls in the category of commercial quantity. As such stringent provisions of Section 37 of the NDPS

Act come into play. There is nothing to suggest that the petitioner has not committed offence and is not likely to commit the offence while on bail.

In view of the above, the present petition is dismissed.

20.07.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No