

203-A

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-21164 of 2020 (O&M)

Decided on:- August 11, 2020.

Bittu Ram.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. D.A.G., Punjab.

HARI PAL VERMA, J.

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-18304-2020

Exemption application is allowed as prayed for.

CRM-M-21164-2020

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.72 dated 23.05.2020 under Sections 21, 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Mehal Kalan, District Barnala.

Briefly stated, on 23.05.2020 at about 09.30 P.M. when SI Kuldeep Singh along with other police officials was present near bus stand of village Sehjarra on the Barnala-Raikot main highway, a secret information was received to the effect that accused Lovepreet Singh alias Lovy, Ravinder

Singh alias Binda, Satvir Singh alias Satti, Balwinder Singh alias Nikka and Ravi have formed a gang and are used to bring the intoxicant tablets and powder from the outside and to supply the same in Tallewal, Mehal Kalan and in the nearby villages to the persons consuming the intoxicant substances. On that day, all of them were seen wandering in a Verna car bearing registration No.PB-11AY-1700 of white colour in the Mehal Kalan town and in case a raid is conducted, they can be apprehended. On the basis of this information, SHO Police Station Mehal Kalan was intimated on the wireless set that any suitable investigating officer along with the police party may be sent on the spot for taking further action and a written Ruqqa in this regard was sent through Constable Kuldeep Singh for registration of the case under Sections 21, 22, 25 and 29 of the NDPS Act against the aforementioned accused.

Thereafter, investigation was handed over to SI Satnam Singh, who intercepted the aforesaid Verna car and apprehended accused, namely, Lovepreet Singh alias Lovy, Ravinder Singh alias Binda, Satvir Singh alias Satti, Balwinder Singh alias Nikka and 2500 intoxicant tablets of Colvidol 100-SR were recovered from the said car. On 26.05.2020, accused Balwinder Singh alias Nikka made a disclosure statement and got recovered 2,50,000 intoxicant tablets and Rs.4 lakh as drug money. Thereafter, accused Zulfikar alias Zulfi was nominated in the present case and he was apprehended on 29.05.2020. Accused Zulfikar also got recovered 12,000 intoxicant tablets as per his disclosure statement from his house on 31.05.2020.

Petitioner Bittu Ram and co-accused Aman Singla were nominated in the present case as accused on 01.06.2020 as they were

apprehended with car bearing registration No.PB-19R-8910 and 10,500 intoxicant tablets of Clovidol 100-SR were recovered from them.

Learned counsel for the petitioner has argued that initially, the FIR in question was registered against 5 persons and later on, the petitioner along with co-accused Aman Singla was arrayed as accused on the basis of disclosure statement of co-accused. The petitioner was not named in the FIR and he has falsely been implicated in the present case. As per the allegations, on 01.06.2020 at about 04.00 P.M. when the petitioner was going in his *i-20* car, the alleged recovery of 10,500 intoxicant tablets was effected from the said car, but in fact, the petitioner was illegally picked up by the police from his house at village Pakho Kalan and the car was also taken from his house. The petitioner is owner and proprietor of M/s Garg Medical Hall, near Bus Stand, Pakho Kalan and runs the shop along with his partner Avtar Singh, who is duly licensed by the authorities. The petitioner is in custody since 01.06.2020 and he is not involved in any other case except one another FIR No.43 dated 12.02.2019 under Sections 21 and 29 of the NDPS Act registered at Police Station City Barnala, wherein he is on bail.

Learned State counsel has argued that apart from the fact that 10,500 intoxicant tablets were recovered from the petitioner, a huge quantity of intoxicant tablets has also been recovered from the other co-accused in the present case. The petitioner and other co-accused are involved in a drug-racket. Therefore, the petitioner is not entitled to the relief of bail particularly when he is already involved in another case of similar nature.

I have heard learned counsel for the parties.

As per the allegations against the petitioner, 10,500 intoxicant tablets have been recovered from him on 01.06.2020. Moreover, in the present case, a huge recovery of intoxicant tablets has also been effected from the other co-accused. Before registration of the present case against the petitioner, another FIR No.43 dated 12.02.2019 under Sections 21 and 29 of the NDPS Act was registered against him at Police Station City Barnala.

The plea of the petitioner that he was picked up by the police from his house at village Pakho Kalan along with his car cannot be considered at this stage as this fact can be appreciated during the course of trial by leading evidence. Therefore, considering the huge recovery of intoxicant tablets effected in the present case and the nature of allegations levelled against the petitioner more particularly when he is already involved in another case of NDPS Act, this Court finds that no case is made out for grant of regular bail to the petitioner and the present petition is, accordingly, dismissed.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

August 11, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No