

VIJAY KUMAR GAVI @ GIANI

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. H.S.Multani, AAG Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

Briefly, FIR No. 49 dated 28.2.2020 under Section 21/29 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Phillaur, District Jalandhar has been registered in pursuance of the recovery of 11 kg of heroin from the possession of Kulwinder Singh and Raman Kumar, co-accused while they were on way from Ludhiana to Amritsar.

It has been stated by learned counsel for the petitioner that he was not present at the spot at the time of recovery and he has been nominated on the basis of disclosure statement of the co-accused. Furthermore, no such like case has been registered against the petitioner.

On the contrary, it has been stated by learned State counsel that the contraband was to be delivered in Amritsar at the instance of the petitioner, who is the relative of the co-accused from whom the recovery has been effected.

In the instant case, huge quantity of contraband has been recovered from petitioner which is much more than the commercial quantity. The drug menace has attained alarming heights and such like offences cannot be viewed lightly. Although, the petitioner was not present at the time of recovery but the contraband was to be further delivered in Amritsar at his instance. The disclosure statement of the co-accused has provided a lead in further investigation of the case. The matter requires thorough probe and investigation. In such circumstances, custodial interrogation of the petitioner appears to be essential for the proper and thorough investigation of the case. As such, no exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

For the aforesaid reasons, petition is dismissed.

19.08.2020

Janki

(VIVEK PURI)
JUDGE

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