

CRM-M-24832-2019
Date of Decision: 13.02.2020

Darshan Singh

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.S.Sidhu, Advocate for the petitioner.

Mr. Balbir Singh Sewak, Addl. AG Punjab assisted by
ASI Baljeet Pal.

* * *

VIVEK PURI, J. (ORAL)

Present petition has been filed for grant of anticipatory bail in case
FIR No. 14 dated 12.03.2019 under Section 22 of Narcotic Drugs and
Psychotropic Substances Act, 1985 registered at Police Station Sadar,
Rampura, District Bathinda.

Affidavit of Baljit Pal, Investigating Officer, P.S. Sadar, Rampura,
District Bathinda has been placed on record.

Precisely, the FIR has been registered on the allegations that on 12.3.2019 two persons were spotted by the Police party while they were carrying the plastic gunny bag. On seeing the Police party, they threw the bag and tried to slip away. The petitioner managed to slip away and he was identified by HC Sher Singh who was accompanying the Police party. Rajinder Kumar @ Raju co-accused was apprehended and 30 boxes of 10 strips of 50 tablets each (Tramadol Hydrochloride) were recovered from the bag.

It has been stated by learned counsel for the petitioner that no independent witness had joined at the time of recovery, the provisions of Section 50 of NDPS Act have not been complied with and the petitioner was present at Maur Mandi in the shop of one Tarsem Chand regarding which there is CCTV footage available.

In the case in hand, contraband falling in the commercial quantity has been recovered. It is a case of chance recovery and the petitioner managed to slip away. He has specifically and categorically identified by a member of the Police party. The defence version of alibi as sought to put forth by the petitioner is to be seen during the course of trial.

It has also been stated by learned State counsel that seven cases under NDPS Act have been registered against the petitioner.

In the case in hand, heavy quantity of contraband has been recovered from the petitioner and he managed to slip away from the spot. The matter requires thorough probe and investigation and custodial interrogation of the petitioner appears to be essential for the proper investigation of the case.

For the aforesaid reasons, no exceptional or extra-ordinary circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

Dismissed.

13.02.2020

Janki

(VIVEK PURI)
JUDGE

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