

CRM-M-13241-2021

Date of Decision:31.08.2021

Bhupinder Singh alias Kaku

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGHPresent: Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.68, dated 11.05.2019, having been registered at Police Station Arniwala, District Fazilka, alleging therein the commission of an offence punishable under Section 22 of the Narcotics and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submits that the petitioner has only been nominated as an accused on an alleged disclosure statement made in police custody by his co-accused who is stated to have been apprehended with 9000 intoxicant tablets containing "Tramadol Hydrochloride salt", with no recovery whatsoever effected from the petitioner himself.

Learned State counsel on the other hand submits that the petitioner having run away from the spot and with his co-accused who was apprehended there having named him and he also being involved in another case under the provisions of NDPS Act, 1985, he does not deserve to be admitted to interim bail.

However, he does not deny that other than the disclosure statement, there is no recovery made from the petitioner, as per his instructions (though of course he submits that it would be deemed to be a joint recovery).

Having considered the matter, without making any comment on the actual merits of the case, with a possible doubt cast on the petitioners' involvement (wholly and only for the purpose of this petition), therefore, even terms of Section 37(1)(b)(ii) of the NDPS Act, the petition is allowed and the petitioner is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

August 31, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : YES