

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

**CRM-M-19040 of 2021
Date of Decision: 18.05.2021**

Manish Kumar @ Makhan

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Jaskamal Singh Grewal, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for anticipatory bail in FIR No. 103 dated 13.4.2021, under Section 15 of the NDPS Act, 1985, registered at Police Station Patran, District Patiala.

A secret information was received that Manish Kumar and his wife Priyanka were indulging in sale of intoxicant substances. Acting on the information, on 13.4.2021 the police raided their residence. Manish Kumar was not available. Priyanka was present and 5 kilograms of poppy husk stored in a plastic bag was recovered from the house. During investigation, Manish Kumar (petitioner) was nominated in the FIR.

Learned counsel for the petitioner submits that there was no recovery from the conscious possession of the petitioner; he was nominated on the basis of secret information received. The recovery made is of 5 kilograms of poppy husk i.e. non-commercial.

Learned counsel for the State opposes the prayer for grant of anticipatory bail. She submits that the police acted on the basis of secret information and resultantly recovered five kilograms of poppy husk, hence

custodial interrogation is necessary.

The recovery of poppy husk is of non-commercial quantity and the petitioner was not present at the time when the house was raided. No recovery was effected from the petitioner. Co-accused- Priyanka has already been granted bail. The petitioner is not involved in any other case under the NDPS Act.

Considering the nature of allegations and the recovery made, the petitioner is granted pre-arrest bail subject to his investigation within two weeks. In the event of arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition is allowed.

In case of failure of the petitioner to join the investigation, the State would be at liberty to file an application for re-calling of this order.

[AVNEESH JHINGAN]
JUDGE

18th May, 2021
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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |