

Sukhdarshan Singh alias Lodhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Parminder Singh, Advocate, for the petitioner.

Mr. Ramdeep Pratap Singh, DAG, 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.88, dated 29.05.2021, having been registered at Police Station Civil Lines, District Bathinda, alleging therein the commission of offences punishable under the provisions of Sections 15(c)/25/26/61/85 of the Narcotics and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submits that the petitioner is obviously not named in the FIR at all, and has been arraigned as an accused only on an alleged disclosure statement made in police custody; but in the General Diary recording as regards such disclosure, it is not even disclosed as to what offence the petitioner had committed as regards the recovery of the 54 kgs. of poppy husk, from the person who was apprehended with its possession (as per the case of the investigating agency).

Learned State counsel submits that the petitioner having been nominated as accused on a disclosure made by the person who was actually

so apprehended and he having been therefore arraigned as an accused in terms of Section 29 of the NDPS Act, 1985, he does not deserve to be admitted to bail even in terms of Section 37 thereof.

Having considered the matter, with nothing disclosed as to what was the petitioners' role at all in the commission of the offence, without making any comment on the actual merits of the case, in my opinion it would be appropriate to invoke the provisions of sub clause (ii) of clause (b) of Section 37(1) of the NDPS Act, 1985.

Consequently, without making any comment on the actual merits of the case, 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.

[It is to be also noticed that as per the instructions of learned State counsel there is no other criminal case registered against the petitioner.]

August 05, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO