

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

CRM-M-35180-2020

Date of decision:06.09.2021

Rajesh Kumar alias Rajeev Kumar alias Mona

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition has been filed for grant of anticipatory bail in case bearing FIR No.160 dated 26.08.2020 registered under Sections 18 and 25 of the NDPS Act, 1985, registered at Police Station Bhikhiwind, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner was not present at the spot when the alleged recovery had been effected from the co-accused, who was arrested; that no recovery has been effected from the petitioner; that the vehicle even does not belong to the petitioner, and that there is no other case pending or registered against the petitioner.

Learned State counsel points out that as per the investigation, the mobile location of the petitioner was found near the place of occurrence. Moreover, in the representation made by the petitioner to enquire into the matter afresh, he stated that at the time of the alleged occurrence, he was present in his house at Cheharta, Amritsar, whereas in

para 3 of the petition, he claimed himself to be present at Jalandhar. Moreover, the petitioner is the owner of the car, purchased from one Naresh Kumar and the installments have been paid by him in the bank account of said Naresh Kumar. The recovery effected from the petitioner is 04 kg of opium.

I have heard the learned counsel for the parties.

In the present case, a huge quantity of opium has been recovered, which falls under the commercial quantity. *Prima facie* there is sufficient material to connect the petitioner with the crime in question. Mere non-mentioning of the name of the petitioner in the FIR is not a ground to plead that the petitioner has falsely been implicated in this case.

No case is made out to grant anticipatory bail to the petitioner.

Dismissed.

06.09.2021

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No