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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.34997 of 2020 (O&M)

Date of decision: 17.08.2021

Harpreet Singh

....Petitioner

Versus

Union of India

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.D. Rattewal, Advocate
for the petitioner.

Mr. Sanjay Vashisth, Sr. Panel Counsel
for the respondent – UOI.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in Crime Case No.23 dated 06.05.2019 registered under Sections 8/22/29/60 of the NDPS Act at Police Station NCB, District Chandigarh.

Counsel for the petitioner has argued that as per the complaint filed by the NCB, on receiving a secret information that 03 persons namely Gurpreet Singh, Amit Uppal and Jasveer Singh, are involved in the sale and purchase of the contraband drugs, the said information was reduced into writing. Thereafter, the NCB team intercepted and stopped one I-20 car bearing registration No.PB-10-FD-6080 and the occupants of the car introduced themselves as Amit Uppal, Subham Bhalla, and Jasveer Singh. Thereafter, the NCB team, by following the procedure, enquired about the articles kept in the dicky of the car. On this, the co-accused Jasveer Singh stated that he

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has kept a cardboard box in the dicky of the car, which contained TRAMADOL capsules, which he has purchased, however, he failed to produce any bill. Later on, Amit Uppal, Subham Bhalla, disclosed that another co-accused Gurpreet Singh is about to come carrying 02 more boxes. In the meantime, one Maruti van bearing registration No.PB-05N-5677 was seen coming, which was intercepted and the occupants of the said car introduced themselves as Gurpreet Singh and Baljeet Singh. The present petitioner was also one of the occupant of the car. During the search of the two cars, the first recovery was effected from the joint possession of Harpreet Singh – petitioner, Amit Uppal, Gurpreet Singh, Subham Bhalla, Jasveer Singh, which was of 20,000 capsules of TRAMADOL HYDROCHLORIDE and then 1000 tablets of TRAMADOL HYDROCHLORIDE. Later on, the second recovery was effected of 46,400 capsules and 50,000 tablets of TRAMADOL HYDROCHLORIDE and in total, recovery of 2,16,400 tablets/capsules were effected. It is further submitted that except that the petitioner was the occupant of the car, there is no other allegation or disclosure of the co-accused that he was actively involved in the said business.

Reply by way of affidavit of NCB is on record and as per the reply, the recovery was effected jointly from the possession of the persons named above and they were in the joint possession of the contraband. It is also stated that the recovery is of commercial in nature and the regular bail application of the co-accused Jaswinder Singh, Amit, Gurpreet Singh, Abhishek Sharma, Baljeet Singh and Subham Bhalla, has already been dismissed or dismissed as withdrawn by this Court.

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After hearing the counsel for the parties, considering the facts and circumstances of the case and also in view of the fact that huge recovery of 2,16,400 tablets/capsules were effected, no ground for grant of bail is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

17.08.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No