

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1865-2022
Date of Decision: 17.01.2022

Bagga Singh @ Dhattu

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.S. Sekhon, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.173 dated 16.12.2021, under Sections 22 and 29 of NDPS Act, 1985, registered at Police Station Boha, District Mansa.

As per the FIR, while the police party was on patrol duty near village Shaidawala and when they reached the bridge of minor canal situated in the revenue limits of Shaidawala, then from the side of village Mangania, one person carrying a plastic polythene in his right hand was seen coming via matted road. On seeing the police party the said person threw away the said plastic polythene of black colour on the side lane of the minor canal and he ran away from the spot after taking lift on the motorcycle. He was identified as Bagga Singh @ Dhattu (Petitioner). The plastic polythene which was thrown away by him was carrying intoxicant substance and,

therefore, search of the said polythene was conducted and it was found that 72 strips each containing 10 tablets, total 720 tablets of Alprasafe 0.5 bearing batch number PCCAA 818, MFG. 07/2021, EXP. 06/2024 manufactured by Luxmi Tower LSC Block C, Saraswati Vihar, Delhi were recovered.

The learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case and even as per the story contained in the FIR, he had allegedly thrown away the plastic polythene and had fled away from the spot and the said plastic polythene was then found by the police. He further submitted that the name of the petitioner has been implicated only because of the involvement of the petitioner in other cases and, therefore, he may be considered for the grant of anticipatory bail. He further submitted that even the salt was not as yet ascertained by the FSL Laboratory.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that he has received an advance copy of the present petition and has also sought instructions. He submitted that it is a case where the petitioner after looking at the police party threw away the bag and fled away from the spot but he was identified by the police party as he is also involved in many other cases and his name has also been mentioned in the FIR itself. He further submitted that the salt/confiscated tablet were Alprazolam and although the samples have been sent to the FSL Laboratory but it contained the batch number as well as the name of the manufacturer and, therefore, on the face of it was bearing a salt of Alprazolam. He further submitted that so far as the weight of the aforesaid tablets is concerned, the same would be ascertained by way of FSL report as to whether it falls in the category of commercial quantity or not.

He has however opposed the grant of bail to the petitioner on the ground that

the petitioner was identified by the police party on the spot and he fled away from the spot by throwing away the plastic bag and he is involved in a number of other cases including NDPS Act and, therefore, the petitioner does not deserve the concession of anticipatory bail. He further submitted that the petitioner is involved in five other cases of NDPS Act which has been mentioned by the petitioner himself in para No.11 of the petition and apart from the same, he is involved in three more cases under the Excise Act and one case under the IPC and considering the antecedents of the petitioner and the nature of the offence wherein tablets having batch number and manufacturing number were confiscated, the custodial interrogation of the petitioner was required.

I have heard the learned counsel for the parties.

As per the allegations, the petitioner was identified by the police party but he allegedly ran away from the spot after throwing away the plastic bag from where 720 tablets of Alprazolam were confiscated and have been sent to the FSL Laboratory. As per the FIR, the tablets contained not only the batch number but also the manufacturer's name. The petitioner is involved in five other cases under the NDPS Act, three cases under the Excise Act and one case under the IPC according to learned State counsel. The nature and gravity of the offence coupled with the antecedents of the petitioner would therefore disentitle the petitioner for grant of anticipatory bail.

Therefore, considering the totality and circumstances of the present case, this Court deems it fit and proper not to grant the concession of anticipatory bail to the petitioner.

Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

17.01.2022

(JASGURPREET SINGH PURI)

rakesh

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No