

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.15133 of 2021

Date of Decision: February 14, 2022

Nachatar Singh @ Kali

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Prateek Pandit, Advocate,
for the petitioner.

Mr.Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Bhupinder Ram has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.43 dated 04.03.2018, under Sections 15, 25 and 29 N.D.P.S.Act, 1985, registered at Police Station, Shahkot, District Jalandhar (Rural), who is in custody since his arrest on 04.03.2018.

As per the FIR, on 04.03.2018 when the police party was present at turn of Parjjan Shahkot for patrolling, a secret informer gave the information that Gurjant Singh @ Jand son of Bagicha Singh @ Bagga, Nachattar Singh @ Kali and Gurpreet Singh are doing the business of selling poppy-husk in large quantity and Gurpreet Singh in his vehicle Eicher No.PB-10-CG-5193 along with Gurjant Singh @ Jand and Nachhattar Singh @ Kali has brought heavy quantity of poppy husk from Madhya Pradesh and they are present at Bajwa Palace on Shahkot-Mehatpur Road and are waiting for customers. If a raid is conducted, they can be apprehended along with the vehicle loaded with poppy-husk. Believing the

information to be correct, raid was conducted and ten quintals of poppy husk was recovered without any permit or licence and accused Gurjant Singh and Nachhattar Singh were arrested at the spot.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and is in custody for a long period. He submits that he is not the owner of the truck from which recovery was made and, therefore, cannot be said to be in conscious possession of the alleged contraband. He contends that the trial is likely to consume considerable time to conclude as only four prosecution witnesses have been examined so far out of total fifteen witnesses and, therefore, further custody of the petitioner is not required. He prays for bail.

On the other hand, learned State counsel, who is assisted by ASI Ram Kishan, while opposing the prayer of the petitioner, has contended that the quantity recovered from the petitioner falls within the ambit of commercial quantity. He submits that the petitioner is involved in two more cases and in this regard has produced the custody certificate by way of affidavit of Hemant Sharma, PPS, Additional Superintendent Central Jail, Kapurthala and, therefore, the petitioner does not deserve the concession of regular bail.

After hearing the learned counsel for the parties, considering the nature and quantity of contraband recovered, this court does not find it to be a fit case for extending the concession of regular bail to the petitioner.

Resultantly, the petition is dismissed.

February 14, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No