

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

**CRM-M-17910 of 2022
Date of Decision:- 24.05.2022**

Gurcharan Singh

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Shawinder Pal Singh, Advocate
for Mr. B.S. Bhalla, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant for anticipatory bail to the petitioner in case having FIR No.22 dated 19.03.2022 registered under Sections 22, 29 of NDPS Act (later on added Section 22(C), 25), of NDPS Act, 1985, Police Station Smalsar, District Moga.

On the last date of hearing State counsel has prayed time to file reply. Today, status report by way of affidavit of Shamsher Singh, PPS, Deputy Superintendent of Police, Baghapurana, District Moga has been filed, which is ordered to be taken on record.

The FIR in the present case has been registered on the basis of secret information that Sohan Singh @ Sohan son of Harchand Singh and Sukhwinder Singh @ Sukha son of Jagsir Singh

are in the habit of selling intoxicating tablets and 1500 tablets of Celvidol-100SR and 900 tablets of RL-Dol-100SR were recovered from Sohan Singh and Sukhwinder Singh, which falls within the ambit of commercial category. The present petitioner was named as an accused on the basis of disclosure made by aforesaid co-accused Sohan Singh and Sukhwinder Singh to the effect that the present petitioner supplied the aforesaid medical intoxicants to them.

Learned counsel for the petitioner submitted that the petitioner was not named in the FIR and has been nominated as accused only on the basis of disclosure statement made by co-accused Sohan Sing and Sukhwinder Singh. He further submitted that the petitioner who is having no criminal history is ready to join the investigation with the police.

The State counsel has opposed the present petition and submitted that the custodial interrogation of the petitioner is required for the proper and effective investigation of the present case. Thus, prays for dismissal of the bail application.

I have heard the submissions made by counsel for the petitioner as well as the State counsel.

Admittedly, the petitioner has been nominated as an accused on the basis of disclosure made by his co-accused from whom commercial quantity of contraband as mentioned above was recovered.

This Court is of the view that it is a case of recovery of commercial quantity and as such, strict provisions of Section 37(1)(b) of NDPS Act are applicable to the case in hand and custodial interrogation of the petitioner is required to ascertain the origin of aforesaid medical intoxicants which as per Sohan Singh and Sukhwinder Singh were supplied to them by present petitioner. So, no ground is made for grant of concession of anticipatory bail to the petitioner. Accordingly, the present petition is dismissed without expressing any opinion on the merits of the case.

24.05.2022*P. Chawla***(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No