

CRM-M-24218-2021 (O&M)

Through video conference
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M-24218-2021 (O&M).
Decided on: February 22, 2022.

Gurmeet Singh @ Matta

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT Mr.Munish Raj Chaudhary, Advocate,
for the petitioner.

Mr.Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.155 dated 23.10.2020, under Section 15 (C), 22 (C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Khuian Sarwar, District Fazilka.

As per the FIR, a secret information was received by the police that there was one truck (inadvertently translated as Tractor in the petition) coming from Ganganagar side which was loaded with the bags of

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chemical powder and when the same was stopped, the driver of the truck disclosed his name as Lakhwinder Singh @ Lakha and another person sitting on conductor side disclosed his name as Gurmeet Singh @ Matta (**petitioner**). When both of them became nervous, then for the purpose of search of the truck, another investigating officer was sent on the spot and thereafter, they were informed with regard to their right to be searched either in the presence of some Gazetted Officer or Magistrate but both of them stated that they wanted to get searched from some higher police officer and thereafter, request was sent to the DSP, Abohar (City) in this regard and the provisions of Section 50 of the NDPS Act were complied with. There was recovery of 6.25 quintals of poppy husk and 40000 tablets of Clovil-100 SR containing salt of Tramadol.

Learned counsel for the petitioner has submitted that the petitioner is in custody for a period of 1 year, 3 months and 25 days and he had only taken lift from the other co-accused and was not aware about the transportation of the contraband.

On the other hand, learned State counsel has filed the custody certificate of the petitioner which is taken on record. As per the custody certificate, the petitioner is also involved in one another case in FIR No.153 dated 17.12.2017 under Section 61 (1) (14) of the Excise Act, registered at Police Station, Kotbhai. He submitted that there has been recovery of huge quantity of contraband i.e. 6.25 quintals of poppy husk and 40000 tablets of Clovil-100 SR containing salt of Tramadol.

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The argument raised by the learned counsel for the petitioner that the petitioner was not aware of the same cannot sustain, at this stage, as no presumption can be drawn especially when the recovery is so huge. The prayer of the petitioner is certainly hit by the bar contained under Section 37 of the NDPS Act, as the petitioner has not been able to show any ground for making departure from the same. Consequently, there is no merit in the present petition and the same is hereby dismissed.

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

February 22, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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