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

**CRM-M-27168-2021 (O&M).
Decided on: March 21, 2022.**

Manu @ Mani

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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**PRESENT Ms.Manjot Kaur, Advocate, for
 Mr.Satnam Singh Gill, Advocate,
 for the petitioner.**

Mr.Randhir Singh Thind, DAG, Punjab.

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 in FIR No.107 dated 18.5.2021, under Sections 22 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Passiana, District Patiala.

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As per the FIR, the police party received a secret information that in case the houses of the suspected persons who have been named in the FIR as Karnail Singh @ Kaila and Manu @ Mani (petitioner), are raided, then some intoxicating material can be found and in this way, the house of the father of the petitioner was searched in the presence of one Jagtar Singh and from the house there was a recovery of 350 grams of ganja and when the police party came out of the house, then some intoxicating tablets were also found from different cars.

The learned counsel for the petitioner has submitted that the intoxicating tablets of tramadol were allegedly recovered from an abandoned car which was not within the premises of the house of the father of the petitioner and even did not belong to the petitioner and therefore, the petitioner cannot be fastened with the liability merely on the ground that the car was near the vicinity of the house of the father of the petitioner. She has prayed for the grant of regular bail to the petitioner.

On the other hand, learned State counsel has submitted that a detailed affidavit of the Deputy Superintendent of Police, Sub Division Samana, District Patiala, has been filed in the present case and while referring to the said affidavit, he has submitted that after registration of the FIR, the house of the father of the petitioner was searched and the house was stated to be owned by the grandfather of the petitioner and the house was searched in the presence of the private witness and 350 grams of ganja was recovered. He submitted that thereafter the police party carried out the search of one Alto car bearing registration no.PB-03-BA/6028

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colour silver lying parked in the courtyard of the house of grandfather of the petitioner and in the presence of private witness Jagtar Singh, search was made and there was recovery of drug money of Rs.29,800/- and during search of the car, original RC of car was recovered from dashboard which was in the name of Amandeep Singh son of Gulzar Singh and there was also one delivery note receipt regarding sale of car issued by the Car Dealer Association, Patran in favour of Gulab Singh who is the grandfather of the petitioner. He further submitted that thereafter more cars were also found in the abandoned area in the vacant plot outside the Govt. Elementary School and thereafter, munadi was got conducted in the village through Jagtar Singh so that the persons whose cars were parked may come to their cars and get searched, but despite munadi none came near the above mentioned cars which were lying in abandoned state. Out of these cars, the private witness Jagtar Singh identified car No. PB-1-1-CP 4053 and stated that this car belongs to the **petitioner** Monu @ Mani. These cars were opened with the help of one old and worn out key and searched, but no document regarding ownership was recovered from any of the car and when Car No.PB-11CP-4053 was opened and searched, then a white coloured plastic bag was found and on checking of the same, 40 boxes of Tramadol Hydrochloride Tablets Clecidal 100 SR 100 mg. were recovered and each box was containing 10 strips, each strip was having Batch number as well and on counting total 20000 intoxicant tablets were recovered and the car belonged to the father of the petitioner who was registered owner of the car

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and at the time of present occurrence, father of the petitioner was already detained in Central Jail, Patiala in some other case and the said car from where the huge recovery was made was being used by the petitioner. While referring to para 8 of the affidavit, learned State counsel submitted that the petitioner is also involved in as many as 5 more cases although in one case, he has been acquitted. He further submitted that in view of the huge recovery effected from the car which was being used by the petitioner and his antecedents, the petitioner does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

The submission made by the learned counsel for the petitioner that the recovery was made from the abandoned car and therefore, the petitioner is not liable for the aforesaid recovery stands well answered by the learned State counsel by giving factual position. As per the learned State counsel although the recovery was made from the abandoned car but the same was being used by the petitioner who is the son of Karnail Singh and in whose name the car was registered and he was already in custody in some other case on the date of occurrence and the recovery has been made after making proper munadi in the village and when nobody had claimed the ownership or possession of the car then the same was searched in the presence of private respondents. The argument raised by the learned State counsel carries weight. Apart from the same, the petitioner is also involved in as many as 5 other cases although he has been acquitted in one case. The prayer of the petitioner for the grant of regular bail is also hit by the bar

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contained under Section 37 of the NDPS Act. The petitioner has not been able to make out any ground for making departure from the bar contained under Section 37 of the NDPS Act. Consequently, finding no merit in the present petition, 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.

March 21, 2022.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No