

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

**CRM-M-25025 of 2022
Date of Decision:- 06.07.2022**

Satpal Singh

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. K.S. Brar, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J.

Present petition has been filed by the petitioner seeking grant of anticipatory bail in case having FIR No.27 dated 29.04.2022, registered under Sections 18, 29, 27-B, 18-C, 25 of NDPS Act, at Police Station City-2 Abohar, District Fazilka.

The counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case. Counsel for the petitioner further submitted that the petitioner has not been named in the FIR and nominated as an accused on the basis of alleged disclosure statement made by co-accused namely Manohar Lal. Counsel for the petitioner further submitted that the alleged

disclosure made by co-accused is having no relevance under the eyes of law. Counsel for the petitioner further submitted that even otherwise as per the alleged disclosure Manohar Lal was to supply 1kg of opium to the petitioner and the same comes under non-commercial quantity and thus is not covered under the rigors provision of Section 37(1)(b) NDPS Act. The counsel for the petitioner further submitted that the petitioner is ready to join the investigation, as such prays for grant of anticipatory bail to the petitioner.

The present petition has been opposed by the State counsel who submitted that in the present case co-accused Manohar Lal, Sat Narayan and Mehal Singh were apprehended with 3 Kg 500 grams of opium and drug money worth Rs.1,50,000/-, while they were traveling in a car. The State counsel further submitted that during investigation aforesaid Manohar Lal disclosed that he was to supply part of the said contraband to the present petitioner. The State counsel further submitted that it was also revealed during investigation that on the day of aforesaid recovery the petitioner talked to Manohar Lal and Sat Narayan on his mobile phone. The State counsel further submitted that the custodial interrogation of the petitioner is required for the effective and proper investigation of the case.

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

As per the police record Monohar Lal, Sat Narayan and Mehal Singh were arrested by the police while they were traveling in a car and 3.5 kg of opium and Rs.1.50 lac of drug money were recovered from the said car. The aforesaid recovery comes under commercial quantity as per the provisions of NDPS Act and thus attracts provisions of Section 37(1)(b) of NDPS Act. Serious allegations are there on record against the petitioner that co-accused Manohar Lal was to deliver part of the aforesaid contraband to him and the petitioner was in contact with co-accused Manohar Lal and Sat Narayan, through his mobile phone, even on the day of recovery as has been mentioned in the reply filed by way of affidavit of Deputy Supdt. Of Police, Sub Division Abohar. The said mobile phone of the petitioner is yet to be recovered. This Court is of the view that rigors of Section 37(1)(b) NDPS are applicable to the case in hand and heavy amount of contraband along with drug money being recovered from co-accused, no ground is made out to grant concession of anticipatory bail to the petitioner.

Consequently, the present petition is hereby dismissed. However, nothing observed herein above is to be deemed any expression of opinion on the merits of the case.

06.07.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No