

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-26170-2022

Date of decision : 1.12.2022

Manjeet Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Gurpreet Kaur, Advocate, for
Mr. P.S. Sekhon, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.181 dated 5.5.2022 registered under Sections 15 and 29 of NDPS Act at Police Station City Barnala, District Barnala.

As per allegations appearing on the record, the police received secret information against the present petitioner and then raided the disclosed spot but in the meantime, the petitioner fled away from there, leaving behind one bag containing 11 kg. of poppy husk which was taken into possession by the police.

Counsel for the petitioner apprised the Court that the petitioner has joined the investigation with the police by virtue of order of interim bail dated 10.6.2022 and that the petitioner is having no criminal history. State counsel on instructions from ASI Gurnam Singh has not controverted the aforesaid assertions made by the counsel for the petitioner and further

submits that the petitioner is not required by the police for any further investigation as the recovery has already been effected in the present case.

Instant case is with regard to recovery of 11 kg. of poppy husk which comes under non-commercial quantity and thus, embargo provided under Section 37 of NDPS Act is not applicable in the present case. Further, the petitioner is having no criminal antecedents.

In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 10.6.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

December 1, 2022
Paritosh Kumar

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