

Prem Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rajdeep Singh Gill, Advocate for
Mr. P.S. Sekhon, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.32 dated 27.03.2022 registered under Sections 15 and 29 of NDPS Act, 1985 at Police Station Bareta, District Mansa.

Counsel for the petitioner submits that the petitioner was not named in the FIR and was nominated as accused on the basis of disclosure statement made by co-accused Kuldeep Singh @ Bittu from whom recovery of 1 Kg. of poppy husk was made by the police on 27.03.2022. The counsel for the petitioner further submits that the petitioner has joined the investigation in compliance of previous order dated 23.06.2022 passed by Coordinate Bench of this Court. The counsel for the petitioner further submits that the petitioner is facing two other criminal cases but the petitioner is on bail in both the said cases.

The State counsel filed short reply by way of affidavit of

Amarjit singh, PPS Deputy Superintendent of Police, Sub Division Budhladha, District Mansa, which is taken on record. The State counsel, on instructions from ASI Jaswinder Singh, has not refuted the fact that the petitioner has joined the investigation and further submits that now the petitioner is not required by the police in any further investigation or for custodial interrogation.

Admittedly, the petitioner has joined the investigation. Even otherwise, he has been nominated as accused on the basis of disclosure statement of co-accused Kuldeep Singh @ Bittu from whom the police recovered 1 Kg. of poppy husk. So, the present case is relating to recovery of non-commercial quantity of contraband and as such embargo imposed in Section 37 of NDPS Act is not applicable to the case in hand.

In the light of the above, without commenting anything on the merits of the case, the present petition is allowed and order of interim bail dated 23.06.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

08.08.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No