

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-32004-2022

Date of decision : 21.11.2022

Dalbir Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Abhishek Khullar, Advocate, for
Mr. J.S.Jaidka, Advocate,
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.67 dated 9.5.2022 registered under Section 15 of NDPS Act at Police Station City Khanna, District Khanna.

Counsel for the petitioner submits that FIR in this case was registered against Khem Raj and Raj Kumar, from whom, the police recovered 30 kg. of poppy husk while they were traveling in truck No.PB10-FF-9541 on 9.5.2022. He further submits that the petitioner has been named as accused he being the owner of the aforesaid truck. He further contends that the petitioner has joined the investigation with the police and he is not involved in any other criminal case.

State counsel on instructions from ASI Sirajdeen has submitted that the petitioner has joined the investigation and is not required by the police for further investigation. He has also not disputed the fact that the

petitioner is having no criminal history.

The present case is relating to recovery of 30 kg. of poppy husk from co-accused Khem Raj and Raj Kumar who were traveling in the truck which is stated to be belonging to the petitioner. The aforesaid recovery falls in the category of non-commercial quantity of contraband and thus, embargo provided under Section 37 of NDPS Act is not applicable to the instant case. Further, the petitioner is not involved in any other criminal case and is not required by the police for further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 26.7.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

November 21, 2022
Paritosh Kumar

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