

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

CRM-M-38416-2022

Date of Decision : 29.08.2022

Satpal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

PANKAJ JAIN, J(ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.74 dated 18.07.2022, registered under Sections 22 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station Sandaur, District Malerkotla.

As per the FIR, the following recovery was made:-

“Recovery of 400 intoxicant tablets (loose) of white colour, 10 strips make New Etios total 100 intoxicant tablets, 5 strips make Celcidal-100SR total 50 intoxicant tablets and 5 strips containing 48 intoxicant tablets (total 598 intoxicant tablets) have been recovered from main accused. During interrogation of main accused Mamta Kaur, it revealed that the applicant Satpal Singh used to supply the contraband to her. The report of chemical examiner has not been received. Therefore, in the event, the very origin of contraband has to be nipped on the bud and for this purpose, custodial interrogation of applicant is highly indicated.

Learned counsel for the petitioner contends that owing to the fact that report of the chemical examiner has not been received, at this stage, it cannot be said that recovery so effected is infact the contraband as alleged and thus, the case would constitute an offence under NDPS Act.

Notice of motion.

Mr. Sumit Jain, Addl. A.G. Haryana, accepts notice at the asking of the Court. He, on instructions from ASI Harpal Singh, submits that infact the petitioner is a habitual offender and three more cases under NDPS Act are pending against him.

Without commenting on the merits of the case, lest it may prejudice the case, this Court is of the view that owing to the heavy recovery made from co-accused Mamta Kaur, who is non-else but the wife of the petitioner and the fact that he is already facing prosecution in three more cases registered for the offences punishable under the provisions of NDPS Act, no ground for granting anticipatory bail is made out.

Consequently, the present petition stands dismissed.

29.08.2022

mamta

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No