

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 102

CRM-M-44881-2021

Date of decision : 17.01.2022

Nishan Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.S.K.Choudhary, Advocate, for the petitioner.

Ms.Gunkirat Kaur, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.108 dated 26.09.2019 registered under Sections 15, 29, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sujanpur, District Pathankot.

Briefly stated, the case of the prosecution is that 173.300 kgs of poppy husk was recovered from Jaswant Singh and Manjit Singh, who during the course of their interrogation disclosed that they had purchased the said narcotics at the instance of the petitioner.

Learned counsel for the petitioner contends that the only evidence against the petitioner are the alleged disclosure statements of co-accused Jaswant Singh and Manjit Singh made by them in police custody which have no evidentiary value and that no recovery has been effected from the petitioner.

A perusal of the record reveals that 173.300 kgs of poppy husk was recovered from co-accused Jaswant Singh and Manjit Singh who were the driver and cleaner of a truck owned by the petitioner's father. Interrogation of Jaswant Singh and Manjit Singh have revealed that the recovered narcotics had been brought by them at the instance of the petitioner under whom they were employed.

In the light of the above, the petitioner's custodial interrogation is required to find out the source of the huge quantity of recovered narcotics.

Dismissed.

17.01.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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