

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45551-2021

Date of decision : 15.03.2022

Manjit Singh @ Lada

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manoj Kumar Sharma, Advocate for the petitioner.
Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.12 dated 31.01.2021 under Sections 15, 61 and 85 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Division No.7, Jalandhar, District Jalandhar, who is in custody since his arrest on 31.01.2021.

The FIR was registered on the basis of secret information and contents of the same as noticed by the Judge, Special Court, Jalandhar in his order dated 04.03.2021 are as under:-

“On 31.01.2021 ASI Jasbir Singh alongwith other police officials on government vehicle bearing No.PB-08-BS-6221, which was being driven by Constable Shangara Singh, for the purpose of patrolling, was present in the area of Cheema Chowk, Jalandhar. There he received secret information that at Wadala Chowk, two vehicles are parked i.e. one truck bearing No.JK-03-E-3324 and from the said truck four persons are shifting bags in a car make Polo bearing no.PB-11-BE-2364. Informer further

informed that in his opinion these bags are containing poppy husk. As the information was from reliable source, ruqa was sent to the police station, on the basis of which formal FIR was registered in this case. Thereafter police party went to the spot alongwith ACP Harinder Singh, PPS, Model Town, Jalandhar. During search, it was found that in truck bearing No.JK-03-E-3324, Danish Manjoor was sitting at the driver seat and Irshad Ahmad was getting shifted the bags containing poppy husk from the truck. In the truck 22 bags containing poppy husk were lying and on weighing 21 bags were containing 20/20 KG and one bag was containing 10 kg poppy husk. The case property was taken into possession vide separate recovery memo. Alongside the truck, a car bearing no.PB11-BE-2364 make Polo was parked and in the said car Gurdeep Singh was sitting on the driver seat and whereas Manjit Singh @ Lada was shifting the bags containing poppy husk in the said car. From the search of the car, one bag containing 20 kg of Poppy Husk was recovered.”

Learned counsel for the petitioner has argued that though as per prosecution, 450 kilograms of poppy husk was recovered, but the petitioner was found to be allegedly transferring one bag containing 20 k.g poppy husk from one vehicle to another, therefore, rest of the contraband cannot be said to be in his conscious possession. He submits that the petitioner is not involved in any other case of similar nature, therefore, considering the quantity of the contraband, which is below commercial quantity, he be released on bail.

While opposing the prayer, learned State counsel who is assisted by SI Sandeep Rani submits that the FIR was registered on the basis of a secret information and the petitioner was arrested on the spot along with his accomplices and the entire contraband (450 kgs of poppy

husk) was loaded in vehicle bearing No.JK-03-E-3324 and was being transferred to another vehicle. He has argued that petitioner was caught red handed while transferring one bag from one vehicle to another, therefore, it cannot be said that he was in possession of only 20 kgs poppy husk. He states that these issues would be decided during the course of trial. He on instructions further states that the case is now fixed for 21.03.2022 for recording the prosecution evidence before the trial Court.

After hearing learned counsel for the parties and considering the nature and quantity of the contraband, which is commercial in nature, this Court does not find it to be a fit case for releasing the petitioner on regular bail at this stage as the trial is at initial stage and only one prosecution witness has been examined out of total 19 witnesses.

Resultantly, petition fails and is dismissed.

15.03.2022

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(MANOJ BAJAJ)**JUDGE**

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