

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

**CRM-M-57683 of 2022
Date of Decision:- 12.12.2022**

Tej Bahadur Singh Tejbhaduar Singh @ Raju

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. TPS Makkar, Advocate
for the petitioner.

KARAMJIT SINGH, J.(Oral)

Present petition has been filed by the petitioner seeking grant of anticipatory bail in case having FIR No.0168 dated 21.09.2022, registered under Section 15-C/61/85 of Narcotic Drugs and Psychotropic Substances Act, at Police Station Amloh, District Fategarh Sahib (Punjab).

Notice of motion.

On asking of the Court, Mr. Chaman Lal Pawar, Addl. AG, Punjab accepts notice on behalf of the State.

The brief facts of the case are that co-accused Parvinder Singh was apprehended while driving Maruti car bearing no. HR-01K-8372 and the petitioner who was driving Alto car bearing No.PB11-BU-8848 succeeded in escaping and on checking of Maruti car 150 kg of poppy husk was recovered while 100 kg of poppy husk

was recovered from Alto car. Parvinder Singh was arrested at the spot by the police.

The counsel for the petitioner *inter alia* contends that the petitioner and his son Parvinder Singh are falsely implicated in the present case and both the above said cars are not belonging to them and further Parvinder Singh is not mentally fit and his disability certificate is Annexure P-2. The counsel for the petitioner further contends that one another case under NDPS Act was registered against the petitioner in Rajasthan, in which he has been granted bail. The counsel for the petitioner further contends that the identity of the driver of Alto car who allegedly escaped from the spot, is doubtful and further the petitioner is having no concern with the aforesaid two cars, which were apprehended by the police at the spot. The counsel for the petitioner further contends that the petitioner is ready to join the investigation with the police.

The present petition is resisted by the State counsel who submits that in the present case 150 kg of poppy husk was recovered from the possession of co-accused Parvinder Singh who is son of the petitioner and was apprehended at the spot. It is further contended that 100 kg of poppy husk was recovered from Alto car which was left behind by the present petitioner. The State counsel further submits that the petitioner is having criminal history being involved in one another case of NDPS Act in State of Rajasthan. The State counsel further submits that the present case is relating to commercial

quantity of contraband and the custodial interrogation of the petitioner is required for proper investigation of the present case. So, prayer is made that the present petition be dismissed.

I have considered the submissions made by counsel for the parties.

As per the case of the prosecution 150 kg of poppy husk was recovered from Maruti car driven by co-accused Parvinder Singh while 100 kg of poppy husk was recovered from Alto car which was left behind by the petitioner who is father of co-accused Parvinder Singh. Prima facie the present case is relating to recovery commercial quantity of poppy husk and as such, embargo provided under Section 27 of NDPS Act is applicable to the case at hand. Further the relevancy and admissibility of the disclosure made by co-accused Parvinder Singh against the present petitioner cannot be considered at this initial stage, in the light of law laid down by Hon'ble Supreme Court in *criminal appeal No.1005 of 2022, decided on 20.07.2022, State of Haryana Vs. Samarth Kumar*. Further, the petitioner is involved in one another case of drug trafficking which was registered against him in Rajasthan.

In light of the above, this Court is of the view that the petitioner is not entitled to get any interim protection, as the same will amount to interference in the investigation.

Accordingly, the present petition is hereby dismissed.

However, observations made herein above are not be construed as opinion on the merits of the case.

12.12.2022

P. Chawla

(KARAMJIT SINGH)
JUDGE

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