

2023:PHHC:074455

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

(Sr. No.213)

CRM-M No. 13532 of 2023

Date of decision : 22.05.2023

Achhra Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. APS Tung, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

(1) The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.113 dated 28.07.2022 registered under Section 15-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Sangat, District Bathinda.

(2) Briefly started, the case of the prosecution is that on 28.07.2022, on the basis of suspicion, the police party checked a truck bearing registration No.PB-10GW-3795 resulting in the recovery of 52 Kg. of poppy husk kept in the tank attached with the oil tank of the truck resulting in the arrest of its conductor and driver. The petitioner was its conductor.

(3) Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner has no other criminal antecedents; investigations in the case are complete and therefore the petitioner is in no position to influence the same; no recovery of any

drug/narcotic substance has been made from the petitioner's person; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the petitioner had no knowledge of any drugs hidden near the oil tank of the truck; there is no evidence collected by the State showing the petitioner had any knowledge with regard to the recovered drugs lying in the truck and that the alleged recovery is only marginally higher than the prescribed commercial quantity under the NDPS Act.

(4) Learned State counsel opposes the petition.

(5) Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

(6) Whether the petitioner had knowledge with regard to the drugs which were allegedly recovered from the truck of which the petitioner was a conductor would be debated during the course of the petitioner's trial. Nonetheless, the petitioner is in custody since 28.07.2022; the petitioner has no other criminal antecedents; the alleged recovery is only marginal higher than the prescribed commercial quantity under the NDPS Act; investigation in the case is complete and therefore the petitioner is in no position to influence the same; there is no recovery of any drug from the petitioner's person and that since 07 prosecution witnesses still remain to be examined, the petitioner's trial is likely to take a long time to conclude.

(7) In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Bathinda, the petitioner is directed to be released on bail.

(8) It is further directed that while on bail the petitioner shall own and possess a smart mobile phone which shall be kept on at all times; the

phone shall always be with the petitioner; he shall share the number of the phone as also his location with the SHO of the area where the petitioner normally resides; he shall mark his attendance on 1st of each month in the police station and that he shall also not leave the jurisdiction of the concerned police station without the prior permission of the SHO of such police station.

(9) It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

22.05.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No