

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

226

CRM-M-17096-2021

Date of decision: 17.02.2023

Kiran Deep Kaur and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Atul Goyal, Advocate
for the petitioners.

Mr. Vinay Kumar Gupta, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are seeking to invoke the inherent jurisdiction of this Court under Section 482 of the Cr.P.C. for setting aside of the order dated 13.01.2021 (Annexure P-7) whereby an application moved by the petitioners for the release of articles on superdari in case FIR No.87 dated 02.07.2019 under Section 15, 21 and 22 of the NDPS Act, 1985 registered at Police Station Kabarwalaa, District Sri Muktsar Sahib, was dismissed.

Learned counsel for the petitioners submits that as per the allegations levelled in the FIR in question, when the police party reached their house, petitioner No.2 handed over a polythene bag to petitioner No.1 and who in turn, on seeing the police party threw it on the road. Both the petitioners thereafter fled away from the spot. On checking, the polythene bag allegedly thrown by the petitioners, doda post, the strips of intoxicating tablets, heroin wrapped in a polythene bag, the drug money i.e. Currency notes in a black colour purse, gold and silver jewellery and two pass books of Punjab and Sindh Bank were

found. Learned counsel inter alia contends that a false and fabricated FIR has been planted upon the petitioners on account of some political rivalry in the village. Learned counsel submits that since it was a case of false implication, they were just seeking recovery of the cash and some gold and silver jewellery which were allegedly thrown by the petitioners. He submits that in fact no such polythene bag as alleged was thrown by the petitioners. It has also been submitted that the petitioners were the owners of the articles which were found in the polythene bag which found due corroboration from the bills dated 09.02.2017, 14.10.2017 and 05.08.2017 (Annexures P-8 to P-10) with respect to the gold and silver jewellery lying in the bag.

While drawing the attention of this Court to the impugned order, learned counsel submits that the Court erred in declining the release of the articles i.e. Jewellery and cash of Rs.77,240/- on superdari by holding that no proof of ownership had been placed on record by the petitioners and in fact it was drug money.

I have heard learned counsel and perused the relevant material on record.

This Court does not find any ground to set aside the impugned order. No doubt, learned counsel for the petitioners has drawn the attention of this Court to Annexures P-8 to P-10 which as per the learned counsel are bills issued by the jeweller from whom gold and silver jewellery was purchased by the petitioners, however, the said bills are not even bills of sale but are just rough estimates which were given by the jeweller concerned. The submissions made by the counsel that it was a case of false implication and the recovered drugs etc. had

been planted upon the petitioners cannot be gone into at this stage. Needless to add, since the recovered contraband was effected along with gold and silver jewellery and cash at this stage a prima facie inference would be drawn that the articles in question which the petitioners were seeking to be released on superdari had been acquired illegally by them through drug trafficking.

Dismissed.

17.02.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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