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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20003-2023

Date of decision : 28.04.2023

Danish Manzoor

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ruhani Chadha, Advocate for the petitioner.
Ms. Jasleen Kaur Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.

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

The allegations in the FIR as noticed by the learned Judge, Special Court, Jalandhar in the order dated 03.08.2021 are as under:-

"From the perusal of the police file, this court finds that 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 Manzoor 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.PB-11-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 the petitioner has been falsely implicated in this case, and he is not involved in any other case of similar nature. He further submits that after framing of charge on 08.10.2021, only ten prosecution witnesses have been examined so far out of total 20 witnesses, and trial would take considerable time to conclude, therefore, he prays for regular bail.

On the other hand, learned State counsel assisted by ASI Jagtar Singh has opposed the prayer, who has argued that the petitioner was arrested on the spot and the recovered contraband falls under commercial quantity, therefore, he does not deserve the concession of bail.

After hearing learned counsel for the parties and considering the above background, this Court finds that as per

prosecution the petitioner was driver of the truck, wherein the commercial quantity of contraband was contained and was being shifted in other vehicle. The petitioner alongwith his accomplices was arrested on the spot. Thus, considering the nature and quantity of the contraband, as well as seriousness of the alleged offence, this Court at this stage is not inclined to extend the concession of regular bail to him.

Resultantly, without meaning any expression of opinion on the merits of the case, no case is made out for releasing the petitioner on regular bail.

Petition is dismissed.

28.04.2023

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(MANOJ BAJAJ)
JUDGE

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