

S. No.226

2023:PHHC:142685

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

CRM-M-27649 of 2023

Date of Decision:08.11.2023

Gurdeep Singh @ Laddu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Bhanu Partap Singh, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition under Section 439 Cr.P.C, petitioner has prayed for grant of regular bail in case FIR No.183 dated 15.11.2022 registered under Sections 15 and 22 of Act No.61 of the NDPS Act, 1985 and Section 25 of Act No.54 of the Arms Act, 1959 at Police Station Dasuya, District Hoshiarpur.

As per prosecution allegations, on the basis of secret information, house of co-accused Sandeep Singh alias Sonu Shahi was raided on 15.11.2022 and recovery of 53 kg of poppy husk and 157 grams of intoxicated substance; one rifle .315 bore and 7 shells and 1 live cartridge along with ₹67,000/- was effected and the same were taken into possession. Petitioner was present in the house at that time and he was arrested. During investigation, petitioner is stated to have suffered disclosure statement as per which his brother-in-law Sandeep Singh and his sister Nitika @ Rupinder Shahi had left him in the house to look after the narcotic substance.

It is contended by learned counsel that co-accused Sandeep Singh and Nitika from whose house, the recovery was effected, have already been allowed the benefit of anticipatory bail by learned Additional Sessions Judge, Hoshiarpur

vide order dated 09.01.2023 and 12.12.2022 respectively, copies of have been placed on record.

Learned counsel further contends that petitioner has no concern with the contraband nor he is involved in any such case though he is involved in other cases pertaining to Indian Penal Code. Learned counsel further contends that at the most, the only allegation against the petitioner is regarding guarding of the contraband and not the conscious possession.

Learned State Counsel does not dispute the fact that the place from where recovery was effected belongs to co-accused Sandeep Singh and Nitika. However, learned State Counsel has opposed the bail petition on the ground that the petitioner was guarding the contraband and so he remained in possession and that the recovered contraband falls in the commercial category.

As per the custody certificate placed on record by learned State Counsel, petitioner is in custody for the last 11 months and 22 days. Though he is involved in three other cases pertaining to IPC but not in any case pertaining to NDPS Act.

Having regard to the afore-said facts and circumstances of the case, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

November 08, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No