

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

CRM-M-48771-2022
Date of Decision:-**21.02.2023**

BOOTA SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Tanvir S. Grewal, Advocate
for the petitioner.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.174 dated 27.8.2022 registered under Sections 15, 25 and 29 of NDPS Act at Police Station city Budhlada, District Mansa .

Initially the FIR was registered against Kamaljit and Gagan Goyal from whom police recovered 2 kgs. of poppy husk on 27.8.2022. Thereafter the petitioner was nominated as accused on the basis of the disclosure made by both Kamaljit and Gagan Goyal, as per which they purchased the aforesaid poppy husk from the present petitioner.

The counsel for the petitioner submits that in compliance of previous order, the petitioner has joined investigation with the police. The counsel for the petitioner further apprised the Court that the petitioner is having no criminal history.

The State counsel on instructions from ASI Paramjit has not refuted the aforesaid assertions made by counsel for the petitioner and submits that the petitioner is not required by police for further investigation or for custodial interrogation.

The relevance and admissibility of the disclosure, if any, made by the co-accused against the petitioner is subject matter of the trial. Further recovery of 2 kg of poppy husk is not covered under the embargo provided under Section 37 NDPS Act as the same comes under non-commercial quantity of contraband. Furthermore the petitioner is having no criminal antecedents and is not required by the police for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is hereby allowed and order dated 15.11.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

21.02.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No