

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

CRM-M-53419-2022

Date of Decision:-**01.03.2023**

KARAJ SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Ravi Dangi, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.105 dated 10.08.2022 registered under Sections 18-B and 29 of NDPS Act at Police Station Maqsudan, District Jalandhar.

The allegations in nut-shell are that police apprehended co-accused Harpreet Singh along with 1 kg. of Opium on 10.8.2022 and thereafter said Harpreet Singh disclosed that he procured the said contraband from petitioner Karaj Singh and resultantly the petitioner was impleaded as accused in the present case.

The counsel for the petitioner submits that the petitioner is having no criminal history and the petitioner has joined investigation with the police by virtue of previous order of interim bail passed by this Court. The counsel for the petitioner further submits that recovery of 1 kgs of Opium from the possession of co-accused falls under non-commercial

quantity and thus not covered under the rigors of Section 37 of NDPS Act and further the relevance and admissibility of the alleged disclosure made by the co-accused is to be dealt by the trial Court at the relevant time of trial.

State counsel on instructions from ASI Sukhwinder Singh submits that the petitioner has joined the investigation and is not required by the police for any further investigation or for custodial interrogation. State counsel has not disputed the fact that the petitioner is not having any criminal antecedents and the alleged recovery of contraband was recovered from co-accused Harpreet Singh, which falls under non-commercial quantity of contraband.

The recovery of contraband effected in the present case being of non-commercial quantity, the embargo provided under Section 37 of NDPS Act is not applicable to the instant case. Apart from this, the relevancy of the disclosure statement by co-accused Hapreet Signh against the present petitioner is subject matter of the trial. Further the petitioner is having no criminal history. In the light of above, without commenting on the merits of the case, the present petition is hereby allowed and order dated 2.12.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

01.03.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No