



CRM-M-1982-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.210

Case No. : CRM-M-1982-2024

Date of Decision : July 29, 2024

Sahil Bhatia

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Ketan Chopra, Advocate
for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

* * *

GURBIR SINGH, J. :

1. Prayer in this petition, filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in case FIR No.29 dated 01.08.2023, under Sections 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as – NDPS Act), registered at Police Station Nangal Bhoor, District Pathankot.

2. Briefly, the version of the prosecution is that on 01.08.2023, a police party was present at the turn of Kandrori Nangal in connection with patrolling duty, when a secret informer gave the information that Canter bearing registration No.PB-29X-1105 make Ashoka Layland was coming from Mukerian to Pathankot side, carrying intoxicant substance and if raid was conducted, the said intoxicant could be recovered. On this, the report

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was sent to the office of SSP, Pathankot and *nakabandi* of the disclosed placed was started and vehicles were being checked. After some time, one canter with registration No.PB-29X-1105 came from the side of Mukerian. Although the driver of the canter tried to turn it back, but the police officials stopped the above said canter and asked about their identity. The driver of the car disclosed his name Sahil Bhatia son of Harmel Chand, resident of Bhaguwal Teera, PS Pojewal, District Shaheed Bhagat Singh Nagar and person sitting on the adjoining seat of driver of the canter, disclosed his name as Taranjit Singh son of Sukhbir Singh, resident of village Kolgarh, PS Balachaur, District Shaheed Bhagat Singh Nagar. Both of them were made aware that police was suspecting that they were carrying intoxicant substance in the canter. So, search of the vehicle was required to be conducted along with them. Search was conducted as per rules. From the back side of the canter, 8 plastic gunny bags containing poppy husk were recovered. After arranging computerized weighing machine, on weighment, 07 bags were of 20 kilograms each and one bag was weighing 13 kilograms (153 kilograms poppy husk in all). The case property was taken into possession vide separate recovery memos. The canter was also taken into police possession vide separate recovery memo. Ruqa was sent to the police station, on the basis of which, FIR in question was registered.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case on the basis of concocted story, due to grudge for not accommodating the police officials. In fact, neither the

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petitioner nor co-accused has any concern with the alleged recovery of poppy husk. Even the FIR speaks that recovery has been effected from the back side of the canter and not from conscious possession of the petitioner. It has further been submitted that the petitioner is not involved in any other case pertaining to the NDPS Act. The petitioner, who is behind bars since 01.08.2023, is the sole bread winner of the family and also has a small kid as well as elderly mother, who is suffering from various ailments. So, taking a lenient view, he be granted concession of regular bail.

4. On the other hand, learned State counsel, while opposing the petition, has submitted that heavy quantity of contraband has been recovered, which amount to committing a heinous crime against the Society. Such elements should be curbed with a heavy hand and not otherwise. Therefore, the petitioner does not deserve the concession of regular bail.

5. I have heard the arguments advanced by learned counsel for the petitioner and learned State counsel.

6. The allegations against the petitioner are specific and quite serious. Poppy husk weighing 153 kilograms was recovered from the canter, which was being driven by the petitioner and co-accused was sitting by his side. The said quantity falls within the ambit of commercial quantity.

7. Keeping in view the gravity of offence, nature of crime and its adverse effect on the society, I do not find it to be a fit case for grant of regular bail, at this stage. The present petition is without any merit and is accordingly dismissed.

8. Nothing observed herein above shall have any effect on the merits of the case.
9. Pending applications, if any, shall stand disposed of along with this judgment.

July 29, 2024
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.