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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.30932-2024
Date of Decision:-11.07.2024

MAHESH PATIDAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ruhani Chadha, Advocate,
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status report by way of an affidavit dated 11.07.2024 of Deputy Superintendent of Police, (D) Jagroan, District Ludhiana (Rural), the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
28	24.02.2024	15 and 25 of NDPS Act	Sadar Jagraon, District Ludhiana Rural

3. Brief facts of the case putforth by the prosecution are that a



secret information was received that Gurjinder Singh alias Mottu , Gurdas Singh, Lakhwinder Singh alias Lakha, Rattan Lal Dhakad and Shankar Lal all of them in connivance with each other are bringing huge quantity of Poppy-husk from other States and selling the same in the area of Jagraon, Moga and if nakabandi is laid then they will be apprehended. Finding the information reliable, Nakabandi was laid at GT Road and a truck was stopped, Shankar Lal driver of the truck and Rattan Lal sitting in the truck were arrested and 150 bags weighing 20 kgs each of poppy husk (30 quintals) were recovered , hence the present FIR. During interrogation, both the accused disclosed that owner of the truck Ashlam Noor used to bring poppy husk by purchasing the same through Mahesh and as such petitioner was nominated in the present case.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner was not named in the FIR but was nominated on the disclosure statement of co-accused Shankar Lal and Rattan Lal Dhakad from whom recovery of contraband weighing 30 quintals (150 bags weighing 20 kg each) of poppy husk was effected. He contends that petitioner is not facing any other case under NDPS Act and is ready to join the investigation, as such he prays for grant of concession of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel has assailed these arguments by referring to the reply dated 11.07.2024 and argued that on secret information, nakabandi was laid and Shankar Lal driver of the truck and Rattan Lal sitting in the truck were arrested and 150 bags weighing 20 kgs



each (30 quintals) of poppy husk were recovered. In their disclosure statements as well as disclosure statements of co-accused Lakhwinder Singh @ Lakha, Gurjinder Singh @ Montu and Gurdas Singh all of them disclosed that they used to bring poppy husk purchased through Mahesh. He further submits that petitioner used to talk on his mobile phone Nos. 92572-58304 and 92165-95903 with accused Shankar on his mobile Nos. 77782-75394 and 7023719932 for the purchase of poppy husk (Annexure R-3/1). He submits that petitioner is the main person who used to supply poppy husk to the other accused in the State, and the alleged recovery of 30 quintals of poppy husk, falls within the purview of commercial quantity and by virtue of Section 37 of the NDPS Act, the petitioner is not entitled to concession of anticipatory bail and as such prayed for dismissal of the anticipatory bail petition.

6. After considering the rival contentions and perusing the record, it transpires that on secret information FIR was registered and nakabandi was laid and Shankar Lal driver and Rattan Lal sitting in the truck were arrested and 150 bags weighing 20 kgs each of poppy husk (30 quintals) were recovered. As per reply dated 11.07.2024 of State, petitioner was nominated on the basis of disclosure statements of Shankar Lal driver of the truck, Rattan Lal, Lakhwinder Singh @ Lakha, Gurjinder Singh @ Montu and Gurdas Singh all co-accused disclosed that they used to bring poppy husk purchased through Mahesh. Moreover, the call details (Annexure R-3/1) show that petitioner is in touch with Shankar Lal, from whom the 30 quintals of poppy husk was recovered. The recovery of



contraband is huge and same falls within the purview of commercial quantity, as such custodial interrogation of the petitioner is required to unearth the *modus operandi* of the alleged transaction/sale and purchase of the contraband. Therefore, finding no merit in the petition, the same is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

11.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |