



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-32845-2024 (O&M)
Date of Decision:-10.12.2024

Kartar Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. PS. Chakkal, Advocate and
Ms. Khushika Setia, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

FIR No.	Dated	Police Station	Under Section/s
115	9.5.2024	Tripri, District Patiala	15 of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of the
aforementioned FIR.
2. As per the case of prosecution, a secret information was received by the
police on 9.5.2024 to the effect that Taari Singh indulges in sale of ‘*poppy
husk*’ and that on the given day i.e. on 9.5.2024 he was transporting ‘*poppy
husk*’ in his truck i.e. Leyland Canter bearing registration No.PB-11DC-1854
and was coming from the side of Sirhind while carrying huge quantity of
contraband. Pursuant to receipt of said information, the police was able to
intercept the truck in question, which was found to be driven by Taari. It is
further the case of prosecution that two bags weighing 25 kilograms each of



'poppy husk' were recovered from the rear seat of the truck in question. Petitioner - Kartar Singh came to be nominated as an accused subsequently on the premises that he is registered owner of the truck in question.

3. Learned counsel for the petitioner submitted that admittedly the petitioner was never ever present at the spot or in the truck in question and nor any secret information was received against him and it is only co-accused i.e. Taari against whom the secret information had been received. It has been submitted that, under these circumstances, the petitioner cannot be attributed conscious possession of the contraband in question and, as such, deserves the concession of grant of anticipatory bail.
4. Opposing the petition, learned State counsel submitted that having regard to the fact that the truck in question is owned by the petitioner, it is apparent that his driver would not have been transporting the 'poppy husk' without his knowledge. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions issued by this Court on 12.8.2024, the petitioner has since joined investigation and he is not required for any custodial interrogation. It has been informed that the petitioner stands involved in 2 other cases in respect of offences under Section 279 IPC and is not involved in any other case under NDPS Act.
5. This Court has considered rival submission addressed before this Court.
6. Admittedly the petitioner was not apprehended at the spot and it is only the driver of the truck i.e. Taari, who was caught red handed. Although the petitioner is stated to be the registered owner of the truck in question, but in the absence of any other connecting evidence to show that the contraband was



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being transported with his knowledge and consent, it will be debatable as to whether he can be attributed conscious possession of the recovered contraband.

7. Having regard to the facts and circumstances of the case and while bearing in mind the fact that the petitioner pursuant to interim directions issued by this Court is stated to have joined investigation and is not required for any custodial interrogation and that the petitioner is not involved in any other case under NDPS Act, the petition is accepted and the interim directions issued by this Court vide order dated 12.8.2024 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 482 BNSS.

10.12.2024

Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No