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

CRM-M-33950-2024 (O&M)

Date of Decision: 29.07.2024

Gurcharan Singh @ Tota Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Imaan Singh Khara, Advocate,
for the petitioner.

Mr. Brijesh, AAG Punjab.

MAHABIR SINGH SINDHU. J.

Present second petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in FIR No. 10 dated 15.01.2024 registered under Sections 15(c) and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station, Canal Colony, District Bathinda.

2. As per allegations, on 15.01.2024 in the area of Bathinda-Badal, Ring road, police party headed by ASI Gurpreet Singh intercepted truck bearing registration No. PB-10X-9648 and apprehended co-accused Sukhdev Singh & Surjit Singh while they were in possession of 110 bags of poppy husk, each weighing 20 kg.

3. During investigation, petitioner was nominated in the present case on the basis of disclosure made by co-accused Sukhdev Singh and Surjit Singh.



4. Learned counsel contends that petitioner was not present at the time of alleged recovery. Also contends that he was nominated on the basis of disclosure made by co-accused. Further submits that petitioner is ready to join the investigation.

5. *Per contra*, while opposing the prayer of the petitioner, learned State counsel submits that 02 quintal and 200 kgs. of poppy husk was recovered from the possession of co-accused. In view of the heavy recovery of contraband, petitioner does not deserve the concession of pre-arrest bail.

6. Heard learned counsel for the parties and perused the paper-book.

7. Police file reveals that co-accused of petitioner, namely, Sukhdev Singh and Surjit Singh were apprehended with 02 quintal and 200 kgs. of poppy husk. Petitioner was nominated as an accused on the basis of their disclosure. On the date of recovery of contraband, some calls were exchanged between prime accused and the petitioner. That apart, in para No.19 of the petition, it has been disclosed that petitioner is involved in two other cases under the NDPS Act, 1985 viz.:-

<i>Sr. No.</i>	<i>FIR No.</i>	<i>Offence</i>	<i>Police Station</i>
1.	88 of 2010	15 (b) of NDPS Act, 1985	Nihal Singh Wala, District Moga
2.	59 dated 25.06.2017	15 and 25 of NDPS Act, 1985	Ajitwal, District Moga

8. In view of the above, it is apparently clear that petitioner is an habitual offender and as such, his custodial interrogation would be necessary to know the true facts.

9. Consequently, there is no option, except to dismiss the petition.

10. Ordered accordingly.



11. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

Pending application(s), if any, shall also stand disposed off.

29.07.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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