



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

CRM-M-38905-2024

Date of Decision:-09.08.2024

Gurtej Singh @ Teja.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Impinder Singh Dhaliwal, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

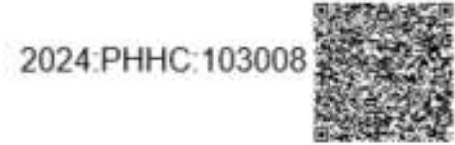
JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for the grant of anticipatory bail in case FIR No.91 dated 27.06.2024 under Sections 15 of the NDPS Act, 1985 registered at Police Station Lehra, District Sangrur.

2. The brief facts of the case are that on the basis of secret information the house of the petitioner was raided and 08 Kg of Poppy Husk was recovered from there. However, he fled away from the spot.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact nothing has been recovered from his house. No independent witness has been joined at the time of the recovery. There was violation of the mandatory provisions of the Act such as Sections 42, 50, 52-A, 55 & 57. As the applicant was ready and willing to join investigation, he was entitled to the concession of anticipatory bail.

4. The Counsel for the State on the other hand contends that the petitioner was duly named in the secret information as someone who was dealing in intoxicating substance. Based on the secret information when a



raid was conducted at his house the recovery of 08Kg of Poppy Husk was effected from there. However, the petitioner succeeded to ran away. He was a convict in one case bearing FIR No.12 dated 14.01.2023 under Sections 15/61/85 P.S. Lehra. Therefore, this Court could not record a satisfaction under Section 37 of the NDPS Act that the petitioner had not committed the offence and was not likely to commit the offence in future.

5. I have heard learned Counsel for the parties.

6. As per the allegations the petitioner was dealing with intoxicating substances. When his house was raided he fled away but the recovery of 08 Kg of Poppy Husk came to be effected from the said premises. Apparently, the petitioner is a habitual offender. Therefore, a *prima facie* satisfaction under Section 37 of the NDPS Act cannot be recorded that the petitioner has not committed the offence and is not likely to commit the same in future. In this situation, the question of grant of anticipatory bail to the petitioner does not arise.

7. In view of the above, I find no merit in the present petition and the same stands dismissed.

11. However, the observations made hereinabove are only for the purposes of deciding this anticipatory bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

(JASJIT SINGH BEDI)
JUDGE

August 09, 2024
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No