



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

CRM-M-43276-2024 (O&M)
Date of Decision:- 29.10.2024

Kuldeep Singh Alias Keepa ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajdeep Singh Gill, Advocate, for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
207	25.10.2023	City Rampura, District Bathinda	22-C, 25 and 29 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The case of the prosecution, in nutshell, is that on 25.10.2023 during the course of checking the police came across a clean-shaven young man who was present near village Mehraj who was having something in a transperent polythene bag kept on the seat of Hero Honda motorcycle. It is alleged that strips of intoxicant tablets were visible



through the said polythene bag. The said person was nabbed by the police who upon inquiry disclosed his name as Kuldeep Singh @ Keepa and search of bag led to recovery of 3000 tablets of 'Tramadol Hydrochloride'.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that story of the prosecution cannot be believed inasmuch as no person indulging in any offence under NDPS Act would carry the contraband in a transparent polythene bag making himself a sitting duck as regards detection of offence. Learned counsel in order to hammer forth his aforesaid submissions places reliance upon judgments passed by this Court in CRM-M-811-2014 titled Iqbal Singh Vs. State of Punjab, decided on 10.2.2014; in CRM-M-52950-2021 titled Iqbal Singh Vs. State of Punjab, decided on 9.3.2022 and in CRM-M-18084-2023 titled Makhan Vs. State of Punjab, decided on 4.10.2023.
4. On the other hand, learned State counsel opposed the petition and submitted that since the petitioner is specifically named in the FIR and was caught red handed, his complicity is clearly evident. It has however, been informed that the petitioner as on date has been behind bars since the last about one year and otherwise enjoys a clean record. It has also been informed that only 1 out of cited 14 PWs has been examined.



5. This Court has considered rival submissions addressed before this Court.
6. While it is correct that the petitioner was caught red-handed while in possession of 3000 intoxicant tablets, but the factum of accused carrying contraband in a transparent polythene bag raises some kind of suspicion inasmuch as no prudent person would commit offences in such a manner that he can easily be caught. The petitioner, in any case, has been behind bars for a substantial period of about 1 year and is having a clean record in view of ratio of the aforesaid judgments, the instant petition merits acceptance and is hereby accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.10.2024
mohan

(GURVINDER SINGH GILL)
JUDGE

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