

2024:PHHC:165741



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

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**CRM-M-46482 of 2024
Date of decision: 11.12.2024**

SITAL SINGH

..PETITIONER

VS.

STATE OF PUNJAB

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Kuldeep Singh Ahluwalia, Advocate for the petitioner.
Mr. Inderjit Singh Ladher, DAG, Punjab

KARAMJIT SINGH, J.(ORAL)

The present petition has been filed by the petitioner under Section 483 of BNSS seeking grant of regular bail in case having FIR No. 223, dated 12.08.2024, under Section 15-B,29/27-A of NDPS Act of 1985, registered at Police Station Phillaur, District Jalandhar.

The allegations in nut shell are that police recovered 10 kg of poppy husk from co-accused Atinderjit Singh and Baljinder Kumar on 12.08.2024. Thereafter, the petitioner was nominated as accused on the basis of disclosure statement suffered by Atinderjit Singh and Baljinder

Kumar and resultantly the petitioner was arrested in the present case on 12.08.2024.

Police effected recovery of 1 kg of poppy husk and drug money worth Rs. 1.22 lacs from the house of the petitioner.

Counsel appearing on behalf of the petitioner *inter alia* submits that the petitioner is falsely implicated in the present case and alleged disclosure statement suffered by co-accused is not admissible in evidence against the present petitioner who is incarcerated for the last about 4 months. It is further submitted that the rigors of Section 37 of NDPS Act are not applicable in the instant case as the entire recovery comes under non commercial quantity. It is further submitted that main accused namely Baljinder Kumar is already given concession of regular bail by the trial Court. That it will take time for the trial to commence and in the given circumstances, no purpose is going to be served by keeping the petitioner behind bars for any longer period.

The present petition is resisted by the State counsel who submits that petitioner was implicated as accused on the basis of disclosure statement suffered by co-accused Atinderjit Singh and Baljinder Kumar from whom police recovered 10 kg of poppy husk. The petitioner was arrested in this case on 12.08.2024 and 1 kg of poppy husk and amount of Rs.1.22 lacs was recovered from his house. The State counsel further submits that no doubt the petitioner is in custody for the last 4 months but till date the police is unable to present challan against the present

petitioner. However, the State counsel has not disputed the fact that entire recovery effected in the present case comes under non commercial quantity.

It is a matter of evidence as to whether the recovery of Rs.1.22 lacs effected from house of the petitioner is to be termed as a drug money. The another recovery of 1 kg of poppy husk effected from the petitioner comes under non commercial quantity/small quantity. Further the petitioner who was not named in the FIR was nominated as accused only on the basis of disclosure statement suffered by co-accused Atinderjit Singh and Baljinder Kumar from whom police recovered 10 kg of poppy husk which came under non commercial quantity. It will take time for the trial to conclude even after the presentation of the challan. In the given circumstances, as rigors of Section 37 NDPS Act are not attracted to the instant case, no purpose is going to be served by keeping the petitioner in custody for any longer period even if he is having criminal antecedents.

In light of the above without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate concerned.

December 11, 2024
Poonam Sharma

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No