



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

CRM-M-46571-2024 (O&M)
Date of Decision:-24.9.2024

Bhupinder Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dilraj Singh Bhinder, Advocate and
Mr. S.S. Sekhon, Advocate for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
75	26.6.2024	Kotwali, District Bathinda	22, 27 of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J. (Oral)

- The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
- As per the case of prosecution, on 26.6.2024 when a police party during the course of patrolling was present near the stadium gate of Government Rajindra College, a clean shaven young man was found sitting by the side of the road while holding a transparent polythene bag in his hand. However, upon noticing the police, he tried to escape from the spot, but was nabbed by the police officials. Upon inquiry, he disclosed his name as Bhupinder Singh.



Several strips of intoxicant tablets were clearly visible in the said transparent polythene bag. The aforesaid Bhupinder Singh was extended an offer in terms of provisions of Section 50 of NDPS Act and the polythene bag was checked and was found to contain 40 strips of 'Buprenorphine' tablets total weighing about 36 grams.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that it is highly unlikely that the petitioner would be carrying the contraband in a transparent polythene bag in broad daylight and that too in a public place making him a sitting duck so as to be easily detected and caught. It has been submitted that in case the petitioner was to indulge in drug trafficking, he would have taken necessary steps to ensure that he is not caught by the police and, in any case, would certainly not be carrying contraband in a manner that the contraband is easily noticeable. It has been submitted that such like allegations clearly show that a false case has been planted upon the petitioner. Learned counsel for the petitioner, in order to hammer forth his aforesaid submission, places reliance upon judgments passed by this Court in CRM-M-8026 of 2020 titled Lakhwinder Singh @ Lakha Vs. State of Punjab as well as in CRM-M-20019 of 2020 titled Gurwinder Singh @ Binder Singh Vs. State of Punjab.
4. Opposing the petition, learned State counsel submitted that since the petitioner was found in possession of 'commercial' quantity of contraband, his complicity is clearly evident and that the fetters imposed by Section 37 of NDPS Act would also come into play. Learned State counsel informed that challan already stands presented and that the petitioner otherwise enjoys a clean record.



5. This Court has considered rival submissions addressed before this Court.
6. The manner in which the petitioner is alleged to be carrying the contraband in a public place certainly raises some kind of suspicion and it is highly unlikely that the petitioner would have been carrying the contraband in a transparent polythene bag. In any case, the investigation is already complete. The petitioner otherwise is not stated to be involved in any other case. Conclusion of trial is likely to consume time. Under these circumstances, further detention of the petitioner will not serve any useful purpose.
7. The instant petition, as such, merits acceptance and is hereby accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.9.2024

Pankaj

(Gurvinder Singh Gill)
Judge

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