

CRM-M-52710-2023
Date of decision: 29.02.2024

Bazz SinghPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Fateh Singh Bhullar, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.55 dated 10.08.2023 under Sections 21-B/61/85 of the NDPS Act (Section 29 of NDPS act added later on) registered at Police Station Kacha Pacca, District Tarn Taran.

On 16.11.2023, the following order was passed:-

'Learned counsel for the petitioner submitted that the name of the petitioner was nominated only on the basis of disclosure statement of the coaccused and he has been nominated only under Section 29 of the NDPS Act. He further submitted that there is no other material available with the police to connect the petitioner with the present offence except for the disclosure statement of the co-accused which is not admissible in evidence. He also submitted that there was an alleged recovery of 40 grams of Heroin from the other co-accused, which does not fall in the category of commercial quantity under the NDPS Act. He further submitted that the petitioner has clean antecedents and is not involved in any other case and therefore, he may be considered for grant of anticipatory bail.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab has not disputed the fact that the petitioner has clean antecedents and is not involved in

any other case and the recovered quantity from the co-accused does not fall in the category of commercial quantity under the NDPS Act.

In view of the above, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Adjourned to 29.02.2024. '

Learned State counsel on instructions from ASI Gurmeet Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 16.11.2023 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

29.02.2024
Neha

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