

S. No.214

2024:PHHC:016806

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

CRM-M-61812 of 2023

Date of Decision:07.02.2024

Satpal Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Tanvir Joshi, Advocate for
Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.
Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Status report by way of affidavit of Shri Satnam Singh, PPS, Deputy Superintendent of Police, Sub Division Sri Muktsar Sahib has been filed on behalf of the respondent- State, along with the custody certificate.

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.108 dated 08.07.2023 registered under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act added later on) at Police Station City Muktsar, District Sri Muktsar Sahib.

As per prosecution allegations, on 08.07.2023, police team of Police Station City Muktsar Sahib led by ASI Surjit Singh was on patrolling duty from Police Post Bus Stand to Malout Bypass Road to Bathinda Bypass Road. When they reached near Lahoria Dhaba, a person carrying a transparent polythene in his hand was spotted standing there, who at the sight of the police party, threw away the polythene. Few strips were scattered on the ground and he attempted to slip away. However, he was apprehended and disclosed his name as Satpal Singh i.e. present petitioner. On counting, the intoxicating tablets were found to be 1000

tablets of Colovitol-100 SR containing the salt of Tramadol Hydrochloride, with total weight of the intoxicant tablets as 395 grams.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated. He further contends that it is not just possible that a person will carry the intoxicant tablets in open in a transparent polythene bag. Learned counsel has referred to a judgment of this Court in Munish Kumar Vs. State of Punjab, 2022(3) RCR (Criminal) 751, in which similar were the facts before a co-ordinate Bench inasmuch as recovery was effected from transparent polythene bag lying on the footrest of the scooter- two wheeler. Bail was granted in such like circumstances.

Learned State Counsel could not refute the afore-said contentions to the effect that the recovery was effected when petitioner was allegedly found carrying the intoxicating tablets in a transparent polythene bag.

Custody certificate also reveals that the petitioner is in custody for the last 06 months and 29 days. Though challan is stated to have already been filed but none of the 23 witnesses cited by the prosecution have been examined so far.

Having regard to all the afore-said facts and circumstances of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

February 07, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No