

CRM-M-64557-2023
Date of decision: 08.01.2024

...PETITIONER

V/S

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR J. (ORAL)

Present petition has been filed under Section 438 of Code of Criminal Procedure seeking anticipatory bail to the petitioner in case bearing FIR No.222 dated 30.10.2023 registered under Sections 15, 25 and 29 of NDPS Act, 1985 at Police Station Sidhwan Bet, District Ludhiana (Rural).

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case, on the allegations that the vehicle from which, the alleged contraband has been recovered belongs to the petitioner. There is nothing on record to prove the conscious possession of the petitioner. The petitioner is having clean antecedents and is not involved in any other case. He further submits that the investigating agency has introduced a new version in the status report dated 08.01.2024, the perusal of the same would indicate that the Aadhar Card and Voter ID Card of the petitioner are shown to have been recovered from the dashboard of the vehicle.

3. Per contra, learned State counsel submits that the investigation of the case is at nascent stage. During investigation, the statement of one witness

was recorded, who was member of the police party and on the basis of his identification, identity of the petitioner was established as the person, who was driving the vehicle from which, the alleged contraband has been recovered. The name of the petitioner is also mentioned in the secret information received by the investigating officer and on the search of the dashboard of the vehicle, the Aadhar Card and Voter ID Card of the petitioner were recovered and further, one pistol of 32 bore made by Indian Ordinance Factory was recovered along with 03 live cartridges. As such, the custodial interrogation of the petitioner is required to unearth the truth and ascertain the ownership of the pistol in question and also to ascertain the source of the contraband. Status report dated 08.01.2024 by way of an affidavit of Satvinder Singh Virk PPS, DSP, Jagraon, District Ludhiana (Rural) on behalf of respondent-State of Punjab has been filed and the same is taken on record.

4. Having heard the learned counsel for the parties and after perusing the record and keeping in view the serious allegations i.e. the recovery of 1500 kgs. of poppy husk, this Court finds no ground for granting anticipatory bail to the petitioner. As such, the present petition stands dismissed.

5. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

January 08, 2024
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |