

2025.PHHC 011607



127 IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH

CRM-M-3541-2025
Date of Decision: 23.01.2025

BEANT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J

1. The jurisdiction of this court has been invoked under section 528 BNSS, 2023 for quashing/modifying the order dated 19.09.2024 (Annexure P-2) passed by Additional Sessions Judge, Shri Muktsar Sahib vide which the application filed by the petitioner for releasing the car Hyundai Vernna GIS 1.5 CRDI bearing registration no. PB-30-W-6954 which was impounded by the police in FIR no. 126 dated 02.07.2024 under sections 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985(in short 'The Act') has been dismissed illegally.

2. In brief the dispute in the present case is that FIR No. 126 dated 02.07.2024 under section 21(b) of The Act stands registered at Police Station Sadar Shri Muktsar Sahib, District Shri Muktsar Sahib against four accused persons including the petitioner with regard to alleged recovery of 40 grams of

Heroin, also the offending vehicle from which the alleged recovery was effected bearing No. PB-30-W-6954 belonging to the petitioner was taken into police possession.

3. Counsel for the petitioner contends that the offending vehicle is in police custody since the registration of the FIR and is roughly parked in the police station and is being misused illegally. He further contends that the offending vehicle is lying in a depleted condition and damage has been caused to many parts including the tyres which may diminish its value.

4. Heard counsel for the petitioner and perused the file meticulously.

5. The case in hand pertains to the application seeking release of the alleged offending vehicle on superdari wherein it is alleged that in FIR No. 126 dated 02.07.2024 under section 21(b) of The Act, 40 Grams of Heroin was recovered from the vehicle in question bearing No. PB30-W-6954.

6. While addressing the objectives of the NDPS Act, the Hon'ble Supreme Court in the case of ***Durand Didier v Chief Secretary, Union Territory Of Goa (1990) 1 SCC 95*** emphasized that the rampant issue of clandestine smuggling and illegal trafficking of drugs and substances has led to widespread drug addiction, particularly among adolescents and youth. This has had a harmful and devastating impact on society. With grave concern, it was noted that the organized activities of criminal groups and the illegal importation of narcotic drugs and psychotropic substances into the country have caused a significant increase in drug addiction, especially among young people and students, affecting both genders. The menace has grown to alarming proportions in recent years.

7. The dangerous and killing instinct of Heroin (as involved in this case) restrains the Court from exercising its discretion in favour of the applicant, from whose vehicle 40 Grams of heroin stands recovered. Even a pinch of touch

out of one gram of Heroin is sufficient enough to make a person initially addict, without which the person becomes repulsive. Such addiction leads to peddling for own sustenance and for easy trading.

8. The contraband recovered from the offending vehicle is though of intermediate quantity but is sufficient enough to raise suspicion in the mind of the court as to under what compelling reasons the petitioner along with other co-accused was carrying this contraband which is further for the trial court to ascertain while adjudicating the matter.

9. In view of the above stated discussion, this court is of the strong view that by no stretch of imagination, a lenient approach can be opted for releasing the vehicle on superdari wherein contraband recovered in quantity is of intermediate nature.

10. The petition is sans merit and is hereby dismissed with no order as to costs.

11. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

23.01.2025
Meenu

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