



217

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

CRM-M-49794-2024**Date of decision : 19.02.2025****Sony Singh @ Godu****....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Jagjit Pal Singh Sarao, Advocate
for the petitioner (through V.C.).

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.11 dated 02.02.2023, under Sections 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Offence under Sections 29 & 31 of NDPS Act, added lateron), registered at Police Station Dirba, District Sangrur.

2. Succinctly the facts of the case are that the Police Party on 02.02.2023 received a secret information to the effect that Soni Singh son of Amar Singh is habitual of selling poppy husk and is involved in number of other cases as well. On finding the information reliable, the disclosed house was raided and the car disclosed in the information was found lying parked and from the search of the Car 105 kg poppy husk was recovered. The petitioner failed to produce any license regarding possession of the same and thus, the FIR was registered and the petitioner was arrested on the spot. The investigation commenced and samples taken from the contraband were sent to FSL. During the investigation, one more co-accused was named. On completion of the investigation, challan was



presented and after framing of charge, learned trial Court proceeded with the trial. The petitioner approached the Learned Judge, Special Court, Sangrur praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Sangrur vide order dated 29.02.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has contended that the present case was lodged on the basis of secret information, however, there is a violation of Section 42 of NDPS Act. He submits that there is violation of Section 50 of NDPS Act as well. He has submitted that the car from which the alleged recovery was made is not owned by the petitioner. He submits that though the petitioner is involved in other cases as well, however, in 03 of the cases he has been acquitted. He thus, submits that the petitioner is behind bars from last more than 1 ½ years but there is no progress in the trial and hence, in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel, has opposed the submissions made by the counsel for the petitioner and submits that the secret information was specifically received about the petitioner and raid was conducted. He submits that the recovery was effected from the car disclosed in the secret information and during investigation, it has been found that the petitioner had purchased this Car from Delhi. He has produced the custody certificate of the petitioner. It is submitted that recovery effected from the petitioner is of commercial quantity and thus, the provisions of Section 37 NDPS Act are attracted. He further submits that out of 26 prosecution witnesses, only 02 have been examined so far.

He, thus, submits that no case for grant of bail to the petitioner is made



out.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the FIR in the present case was registered on the basis of secret information. Regarding the compliance of Sections 42 and 50 of the NDPS Act as alleged, it is the trial Court which is to assess the same after appreciation of the evidences produced before it. The custody certificate shows that the petitioner has undergone incarceration of 01 and 09 months as on 18.02.2025. Though he is involved in other cases as well as per the custody certificate, however, in 03 of the cases, he has been acquitted.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. If the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in the present case.

(RAJESH BHARDWAJ)
JUDGE

19.02.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No