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PUNJAB AND HARYANA HIGH COURT

Before: Gurvinder Singh Gill, J.

CRM-M-34362-2020 (O&M)

Decided on: 04.11.2020

Bhupinder Singh Rana

Petitioner

Versus

State of Punjab

Respondent

Present:

Mr. Sukhdeep Singh Sidhu, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

(proceedings conducted through video conferencing)

Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), Section 22, 27, 29 -- NDPS case -- Regular bail -- Recovery of 90 vials of Wincirex Syrup each 100 ml, 120 vials of Wincirex Syrup each 100 ml, 120 vials of KOPFREE Syrup each 100 ml, 210 strips of tablets of Carisomia tablets each of 10, total 2100 and 95 strips of tablets of Clovidol 100 SR tablets each of 10, total 950 tablets -- On disclosure statement that aforesaid drugs were to be supplied to P and petitioner, petitioner came to be nominated as an accused -- Petitioner was never arrested at the spot -- Disclosure statement made by co-accused, the admissibility and veracity of which would be debatable -- Petition accepted and the petitioner ordered to be released on regular bail.

(Para 1, 2, 6, 7)

GURVINDER SINGH GILL, J. (ORAL) –

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.139 dated 10.7.2020 at Police Station Sangat, District Bathinda under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein offence under Section 29 of NDPS Act was added later on.

2. It is the case of prosecution that on 10.7.2020 one Arun Goyal and Arvind Kumar @ Chinu who were travelling in an Alto Car bearing registration No.PB-03-S-2844, were found in possession of 90 vials of Wincirex Syrup each 100 ml bearing batch No.WCRS-1153, 120 vials of Wincirex Syrup each 100 ml bearing batch No.WCRS-1127, 120 vials of KOPFREE Syrup each 100 ml bearing batch No.KOPS-1003, 210 strips of tablets of Carisomia tablets each of 10, bearing batch No.CAR2009 total 2100 and 95 strips of tablets of Clovidol 100 SR tablets each of 10, bearing batch No.TVD-20156 total 950 tablets. It is further the case of prosecution that during the course of interrogation of the aforesaid accused, they disclosed that the aforesaid drugs were to be supplied to Parampreet Singh and Bhupinder Singh and on account of which the petitioner came to be nominated as an accused with the aid of Section 29 Narcotic Drugs and Psychotropic Substances Act.

3. The learned counsel for the petitioner has submitted that no recovery

whatsoever was, however, effected from the petitioner and that he has been nominated as an accused on the basis of statement made by co-accused Arun Goyal and Arvind Kumar @ Chinu, the admissibility and veracity of which would be debatable and, as such, the petitioner deserves the concession of bail.

4. Opposing the petition the learned State counsel has submitted that since it is a case of recovery of commercial quantity of contraband and that the coaccused have specifically nominated the petitioner to be involved in the racket, no case for grant of bail is made out.

5. I have considered rival submissions addressed before this Court.

6. Having regard to the facts and circumstances of the case especially that the petitioner was never arrested at the spot and has been nominated as an accused on the basis of disclosure statement made by co-accused, the admissibility and veracity of which would be debatable, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. Since the learned State counsel has informed that an offence under Section 27 of Narcotic Drugs and Psychotropic Substances Act has also been added, it is made clear that the aforesaid order shall enure offence under Section 27 Narcotic Drugs and Psychotropic Substances Act also.

Petition allowed.

