

BALJIT KUMAR VS STATE OF PUNJAB

Present: Mr. Amit Mehta, Advocate for the petitioner.

The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant him anticipatory bail in case FIR No.87 dated 07.06.2023 registered under Sections 22/29/61 of the NDPS Act at Police Station, Garhshankar, District Hoshiarpur.

As per the case of the prosecution, the FIR in the instant case was registered against one Rakesh Kumar, who was apprehended with 1600 intoxicant tablets of Alprazolam.

Learned counsel for the petitioner contends that the petitioner had no concern with the alleged crime. He is a student of Pharmacy and no recovery was ever effected from him. Except the statement made by co-accused in police custody, there is no other evidence against the petitioner. Learned counsel next submits that the petitioner has been named by the co-accused due to some ulterior motive. Even on the date of alleged recovery, i.e. 07.06.2023, the petitioner was appearing in his Pharmacy exams and now the police is harassing him without any basis.

Notice of motion.

At this stage, Mr. Amish Sharma, AAG, Punjab accepts notice on behalf of the respondent-State.

List on 16.10.2023.

In the meantime, the petitioner is directed to join the investigation. In the event of arrest, he shall be released on interim bail to the satisfaction of arresting/investigating officer subject to the conditions envisaged under Section 438 (2) Cr.P.C.

12.07.2023
mks

(N.S. SHEKHAWAT)
JUDGE