

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

CRM-M-15945-2020 (O&M)

Date of decision: 25.08.2020

Shishank @ Sushant Kumar @ Shanky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 54 dated 20.04.2020, registered under Sections 21, 25 and 29 of the NDPS Act, 1985 at Police Station STF, Phase-4, Mohali.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police party got a secret information that three persons, i.e. petitioner Shishank, Vijay Kumar @ Bholu and Munish Kumar @ Karan Kumar @ Kannu, are involved in the business of selling Heroin. It was further stated in secret information that they are coming for selling Heroin. On receiving such information, the FIR was registered and thereafter, when the police party laid a Naaka, they arrested aforesaid Vijay Kumar @ Bholu and Munish Kumar @ Karan Kumar @ Kannu, while they were coming on a motorcycle, along with 360 grams of Heroin.

Learned counsel for the petitioner further submits that petitioner is not the registered owner of the motorcycle and he has no history of involvement in any NDPS case.

Learned counsel for the petitioner further submits that since the petitioner was not arrested at the spot, no recovery was effected from him.

Learned State counsel, however, has opposed the bail on the ground that it has come in the disclosure statement of aforesaid two co-accused that petitioner is working in the Gym of one Hina Arora, who is the registered owner of the said motorcycle and she has provided the said motorcycle to petitioner for supplying the drugs.

Learned State counsel further submitted that the drugs as well as the motorcycle, which was given by the petitioner to aforesaid co-accused, has been recovered from co-accused and even the petitioner was initially named in the secret information that he is involved in drugs business.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the fact that a commercial quantity of Heroin was recovered from co-accused of the petitioner and the petitioner was also named in the secret information and also in view of the fact that motorcycle, which was given by the petitioner to aforesaid co-accused who have been arrested at the spot, was also recovered, I find no ground to grant concession of anticipatory bail to the petitioner.

Petition stands dismissed.

25.08.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No