

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

**CRM-M No. 9435 of 2022
Date of Decision: 16.03.2022**

Baljeet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No. 09 of 16.01.2022, which was registered against him, at Police Station Sadar Sangrur, District Sangrur, constituting therein offences under Sections 15/29/61/85 of the NDPS Act, 1985.

2. The learned counsel for the petitioner submits, that the petitioner was neither apprehended at the spot, nor any recovery has been effected from his conscious, and, exclusive possession. He further submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement, made against him by one co-accused (Gurpreet Singh @ Guri). Moreover, he argues that, at this stage, the afore disclosure statement is prima facie lacking in any evidentiary vigour. He also submits, that at this stage, no evidentiary efficacy can be assigned to the disclosure statement made by the principal offender, naming therein, the bail

petitioner to be a supplier of the contraband, recovered at the crime site from

the principal offender's conscious and exclusive possession concerned.

3. The learned counsel for the respondent – State submits, that the weight of the seizure makes it fall within the ambit of commercial quantity thereof. He further submits, that the custodial interrogation of the petitioner is required.

4. Since the Hon'ble Apex Court, has pronounced, that not only the weight of the prohibited salt or of the pure resinous substance, as, carried in the seized psychotropic substance, or in the narcotic substance, is to be borne in mind rather also the entire or the gross weight of the seizure, is to be borne in mind, for making a conclusion, that whether the weight of the seizure falls hence within the category of small quantity, intermediate quantity or commercial quantity thereof. Therefore, bearing in mind the afore principle of law, and, upon making its application, qua the gross weight of the seizure, thereupon the weight of the entire seizure or the gross weight thereof, rather makes the seizure to fall within the domain of commercial quantity. Therefore, the rigors of Section 37 of the NDPS Act are applicable thereon, and, the bail applicant is prima-facie not entitled to his being admitted on bail.

5. Insofar as, the contention made by the learned counsel for the petitioner that the disclosure statement, if any, made against the petitioner, by the co-accused – Gurpreet Singh @ Guri, has *prima facie* no evidentiary value. Even the above contention is rejected. The reason for rejecting the above contention is comprised in the factum of this Court, while deciding

CRM-M-46238 of 2021 titled as *Amit Khurana versus State of Haryana*, and, *CRM-M-43476 of 2021* titled as *Kamal Sikka versus State of*

Haryana, taking a view, that the afore made contention, cannot, at this stage, be assigned any credence.

6. No case for grant of anticipatory bail to the petitioner is made out.
7. The petition is dismissed.

March 16, 2022
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(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>