

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

CRM-M-54029 of 2022(O&M)

Date of Decision: 21.11.2022

Manjeet Singh @ Kukki

...Petitioners

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. A.B.S. Sidhu, Advocate
For the petitioner.**

Mr. C.L. Pawar, Addl. AG Punjab.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioners under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 205 dated 25.08.2022, registered under Section 18(b) of Narcotic Drugs and Psychotropic Substances Act (for brevity, the Act) and Section 25 of Arms Act at Police Station Lambi, Tehsil Malout, District Sri Mukatsar Sahib.

The counsel for the petitioner submits that the petitioner was not named in the FIR which was registered against co-accused Ramandeep Singh from whom the police is stated to have recovered 5 Kg 500 grams of opium, 50 live cartridges of .32 bore and drug money worth Rs.52,500/-. The counsel for the petitioner further submits that the petitioner was nominated as accused on the basis of the alleged disclosure made by said Ramandeep Singh to the effect that the petitioner used to procure the opium from said Ramandeep Singh. The counsel for the petitioner further submits

that admissibility and relevance of the said disclosure statement of the co-accused Ramandeep Singh will be examined during trial and that petitioner is ready to join the investigation with the police.

The present petition is opposed by the State counsel who submits that 5 kg and 500 grams of opium (commercial quantity), 50 live cartridges and drug money worth Rs.52,500/- were recovered by the police from co-accused Ramandeep Singh who further named the present petitioner. The State counsel further submits that the petitioner is also involved in one another case under the Act. That in the present case the petitioner is not entitled to get concession of anticipatory bail as per the provisions of Section 37 of the Act.

I have considered the submissions made by counsel for the parties.

5 kg and 500 grams of opium recovered from the possession of co-accused Ramandeep Singh comes under commercial quantity and as such rigors of Section 37 of the Act are applicable in the instant case. Further the petitioner is stated to be involved in one another case under the Act. Furthermore in cases of this nature the petitioner cannot take advantage of the decision in **Tofan Singh Vs. State of Tamil Nadu (2021)4 SCC 1** while seeking concession of anticipatory bail, perhaps he can take advantage of the ratio laid down in Tofan's case at the time of seeking regular bail or at the time of final hearing after conclusion of trial as has been held by **Hon'ble Supreme Court in Criminal Appeal No. 1005 of 2022, decided on 20.07.2022, State of Haryana Vs. Samarth Kumar.**

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This Court is of the view that custodial interrogation of the petitioner is required for the proper and effective investigation of this case by the police.

In view of the above, the present petition is hereby dismissed being devoid of merits. However, any observations made hereinabove are not to be considered as expression of opinion on the merits of the case.

21.11.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No