

2023:PHHC:049981

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

101

**CRM-M-17142 of 2023(O&M)
Date of decision: 12.04.2023**

Vishal Kumar @ Dholi

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Mr. R.S.Pandher, Sr. DAG, Punjab

ANIL KSHETARPAL, J(Oral)

This is second application filed by the petitioner for grant of pre-arrest bail in FIR No.0026, dated 10.02.2023, registered under Section 21(b), 25, 27(a) of the NDPS Act, 1985 and Section 29 of the NDPS Act, 1985 (added lateron vide DDR No.20 dated 12.02.2023), at Police Station Dinanagar, District Gurdaspur.

The first application was dismissed on 06.04.2023 with the following order:-

“While praying for grant of anticipatory bail in FIR No.0026, dated 10.02.2023, registered under Section 21(b), 25 and 27(a) of the NDPS Act, 1985, (Section 29 of the NDPS Act, 1985 added lateron vide DDR No.20 dated 12.02.2023), at Police Station Dinanagar, District Gurdaspur, the petitioner claims false implication.

As per the case of the prosecution, on being nabbed, Satnam Singh and his wife were found in possession of 100 grams of heroin along with electronic scale and Rs.1,50,000/- cash, which is alleged to be drug money.

-2-

On being questioned, Satnam Singh has disclosed that he purchased 1kg heroin at the rate of Rs.2200/- per gram from one Manpreet Singh @ Mithu and sold 900 grams to Ajay, Deepak and Vishal @ Dholi (the petitioner).

The learned counsel representing the petitioner contends that the petitioner is sought to be falsely implicated on the basis of disclosure statement, which is not admissible in evidence.

This court has considered the submissions.

In a case under the Narcotic Drugs and Psychotropic Substances Act, 1985, which leads to recovery of prohibited substance, the prosecution agency is required to investigate the entire supply chain in order to discover its source.

In these circumstances, no ground to grant the concession of anticipatory bail is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.”

The second application has been filed on the ground that a co-accused-Manjit Singh @ Mithu has been granted interim protection vide order dated 13.03.2023 but the same was not to the notice of the petitioner.

Be that as it may.

In the considered view of the court, the bail applications are decided on the facts of each case. Moreover, the bail application filed by co-accused-Manjit Singh @ Mithu is still pending for consideration before a co-ordinate Bench on 25.07.2023.

Hence, no ground to grant the concession of bail to the petitioner is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

April 12, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*