

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

CRM-M No.26264 of 2023

Date of decision: 24th May, 2023

Manjit Kumar @ Manu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vishavjeet S. Rishi, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail in FIR No.011 dated 10.01.2023 for the offences under Sections 21, 21-C, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27 of the NDPS Act added later on) registered at Police Station STF Phase 4, District Mohali.

2. Learned counsel inter alia contends that the petitioner has been falsely implicated in the case in hand only because his Aadhar and PAN Card were recovered from the box of the scooter, which co-accused Akash Kumar alias Suddi was riding, and from whom the alleged recovery of 1.120 kgs of Heroin was effected. Learned counsel submits that mere recovery of Aadhar and PAN Card from the box of the scooter in question would not be sufficient to link him to the aforesaid recovery of contraband. He further submits that the petitioner

is willing to join investigation and cooperate with the investigating agency, and hence, he be extended the concession of anticipatory bail.

3. I have heard learned counsel and perused the relevant material on record.

4. As per the case of the prosecution, a secret information was received by the police qua the involvement of both the co-accused Akash Kumar and the petitioner in sale and purchase of narcotic substances. Pursuant to the above secret information, co-accused Akash Kumar was nabbed by the investigating agency and 1.120 kgs of Heroin was recovered from the box of the scooter, which he was riding. During search, recovery of Aadhar and PAN Card of the petitioner was also effected from the box of the scooter. No doubt, the petitioner was not nabbed at the spot when the alleged recovery was effected, however, he was specifically named in the secret information, in addition to co-accused Akash Kumar suffering a disclosure statement wherein he detailed the role of the petitioner as being the supplier of narcotic substances, recovered from him. This Court can not turn a blind eye to the antecedents of the petitioner as he is involved in another case under the NDPS Act, which stands registered against him at Police Station Division No.3, Ludhiana.

5. In the facts and circumstances as enumerated hereinabove, this Court is, thus, not inclined to grant the extraordinary concession of anticipatory bail to the petitioner.

6. The petition stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 24, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No