

CRM-M-28187-2023

-1-

(239)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28187-2023

Date of Decision:17.07.2023

AKASH CHOPRA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Monty Goyal, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.133 dated 22.06.2022 (Annexure P-1) registered under Sections 21, 21-C, 25, 27 and 29 of NDPS Act, 1985 and read with Sections 25, 54, 59 of Arms Act, 1959 at Police Station Special Task Force (Phase-IV), District SAS Nagar, Mohali.

2. The brief facts of the case are that on 22.06.2022, Inspector Harbans Singh along with other police officials of the STF were present at Sector 39, Near Police Station NRI, Ludhiana in connection with the search of drug peddlers. The Inspector received secret information that Akash Chopra alias Hunny (petitioner) was indulging in the illegal business of sale of heroin and various FIRs for drug peddling were pending against him. With the earnings of the drug trade, Akash Chopra @ Hunny had purchased Nami and Benaami property along with vehicles. It was further informed that the

CRM-M-28187-2023

-2-

said Akash Chopra @ Hunny was to come to Moti Nagar Bazaar on his scooter bearing No.PB-91P-4302 to supply heroin to his customers and if a vigil was kept near GLADA Community Club, Moti Nagar, Ludhiana then Akash Chopra @ Hunny could be apprehended along with contraband.

Accordingly, the present FIR No.133 dated 22.06.2022 under Section 21 of NDPS Act at Police Station STF, SAS Nagar was registered against Akash Chopra @ Hunny and the further investigation began. Thereafter, a *Naka* was set up at the said place and Akash Chopra @ Hunny was seen coming and was stopped. On a search, 250 grams of heroin was recovered from underneath the seat of the Activa. Akash Chopra @ Hunny was arrested on 22.06.2022.

Pursuant to his arrest, he made a confessional statement that he had kept more heroin in his house along with a sum of Rs.8,00,000/- which had been earned from the sale of contraband. He also stated that for supply of heroin to his customers, he had kept a Fortuner car No.CH-01AB-5400, a Swift car No.PB-10GY-1615, an Accent car No.HR-03J-0992, a Mercedes car No.DL-2FHL-23, a Lancer car No.PB-10CG-9302, a Swift car No.PB-91-9302, an Alto car No.PB-10GX-5835, a Gypsy No.DL-6CA-8206, a Royal Enfield motorcycle without number, a motorcycle Hero HF-100 No.PB-91P-7479, a Splendor Motorcycle No.PB-10ED-6393, an Activa Scooty No.PB-91L-9302 and a Mastro Scooty No.PB-10FN-662. Accordingly, 800 grams more of heroin, Rs.8,00,000/- and the above-said cars/bikes/motorcycles were also got recovered at the instance of Akash Chopra @ Hunny.

During his further examination, he got recovered one illegal .32 bore pistol along with six live cartridges of 7.65 mm bore. He confessed that the said pistol and cartridges had been sent to him by his brother namely, Banny Chopra (since granted bail vide order dated 01.05.2023 passed in CRM-M-83-2023 Annexure P-3) who was lodged in Jail through one Mannu Singh. Akash Chopra @ Hunny also stated that Banny Chopra was duly conniving with him in the said illegal business of heroin and used to help him (Akash Chopra) from the Jail. Accordingly, Banny Chopra and Manvinder Singh alias Maanu were nominated as accused.

During his examination Akash Chopra @ Hunny also confessed that after selling the heroin, he used to give cash to his wife Alisha Chopra who would deposit the same in her bank account with the Union Bank of India. Accordingly, Alisha Chopra was nominated as an accused on 25.06.2022 and the offence under Section 29 of the NDPS Act was added.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, he is a 100% disabled person as was borne out from Annexure P-2 and therefore, could not have possibly committed the offence in question. Even otherwise, his co-accused and brother Banny Chopra had been granted the concession of bail by this Court vide order dated 01.05.2023 (Annexure P-3) and the petitioner was entitled to the similar relief as he was in custody since 22.06.2022 and only 02 out of the 43 prosecution witnesses had been examined so far.

4. On the other hand, the learned State counsel contends that commercial quantity of contraband has been recovered from the petitioner along with a firearm and multiple vehicles used to supply contraband to his customers. He was an accused in 04 other cases under the NDPS Act and therefore, Section 37 of the NDPS Act would act as a bar to the grant of bail. So far as, the purported physical disability of the petitioner is concerned, the effect of the same would be examined during the course of trial. The case of the petitioner cannot be equated to that of his brother Banny Chopra who has been granted bail as no recovery has been effected from the said accused. He therefore, contends that the petitioner was not entitled to the grant of bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is the main accused. Firstly, 250 grams of heroin was recovered from underneath the seat of the Aactiva being driven by him. Thereafter, 800 grams of heroin, Rs.8,00,000/- in cash and multiple vehicles were recovered from his possession. He also got recovered illegal weapons and cartridges. He is also an accused in a number of other cases. In this scenario, no satisfaction as required under Section 37 of the NDPS Act can be recorded for the purposes of grant of bail to the petitioner. As regards the purported physical disability of the petitioner, the effect of the same shall be examined during the course of trial and at this stage, the petitioner cannot derive any benefit of the certificate (Annexure P-2).

7. Keeping in view the aforementioned facts and circumstances, the petitioner is not entitled to the concession of bail and therefore, the present petition stands dismissed.

CRM-M-28187-2023

-5-

8. However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the Trial Court is free to adjudicate upon the matter in accordance with law.

(JASJIT SINGH BEDI)
JUDGE

17.07.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No