

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

2023:PHHC:093608

CRM-M-30181-2023
Date of decision: July 24th, 2023

Rano

.....Petitioner

Versus

Union of India

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Saurabh Goel, Advocate
with Mr. Tej Bahadur and Ms. Shivani Sahni, Advocates
for the respondent.

MANJARI NEHRU KAUL, J.

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case NCB Crime No.79/2022 dated 15.11.2022 under Sections 8, 8-A, 18, 21, 23, 25, 27A, 27B, 28, 29, 60, 62 of the NDPS Act, 1985, registered at Police Station NCB, Chandigarh.

2. Learned counsel appearing for the petitioner, *inter alia*, contends that the petitioner, who is a lady, was not named in the alleged secret information received by the Narcotics Control Bureau and was subsequently nominated as an accused on the basis of an alleged disclosure statement suffered by main accused Akshay Kumar Chhabra. Learned counsel submits that not only the disclosure statement allegedly suffered by the co-accused does not have much evidentiary value, but even if one

peruses the complaint comprising of almost 550 paragraphs, the name of

the petitioner figures out in paragraph 146, wherein also it has been vaguely mentioned that while driving in an Innova vehicle bearing last numbers as '0479', the petitioner was to collect 2 KGs of heroin. He submits that another disclosure statement was allegedly also made by co-accused Ajay Kumar alias Gora, which was recorded after four days of his arrest on 28.11.2022 and was on the same lines as the one given by main accused Akshay Kumar Chhabra qua the petitioner. Learned counsel submits that it was not the case of the prosecution that any contraband, much less heroin, was procured by main accused Akshay Kumar Chhabra or co-accused Ajay Kumar @ Gora from the petitioner, rather it was the other way round that heroin was to be supplied to the petitioner. Learned counsel submits that other than this, there was no material on record to link the petitioner in any manner with the contraband allegedly recovered from both the co-accused on whose disclosure statement, she had been nominated as an accused. It has thus been prayed that in the above facts and circumstances, the petitioner be extended the concession of anticipatory bail as her custodial interrogation would not in any manner strengthen the case of the prosecution.

3. *Per contra*, learned counsel appearing on behalf of Narcotics Control Bureau has vehemently opposed the prayer and submissions made by the counsel opposite. He, on instructions, has submitted that the petitioner is a member of a large drug syndicate which is operating not only in this part of the country but has links across the border in Pakistan, Afghanistan and Dubai. While drawing the attention of this Court to the status report filed on behalf of respondent-Junior Intelligence

Officer, NCB, Chandigarh Zonal Unit, it has been submitted that a perusal of paragraph 1 of the preliminary objections details the huge recoveries of different narcotic substances which have been effected from the main accused on different dates. It has also been further submitted that on being arrested, the mastermind i.e. Akshay Kumar Chhabra in his disclosure statement made on 28.11.2022 specifically stated that 2 KGs of heroin was to be supplied to the petitioner and even the number of the Innova car in which the petitioner was to travel while coming to collect the contraband had been given in their disclosure statement. Learned counsel has vehemently prayed for dismissal of the instant petition as the custodial interrogation of the petitioner is required for busting the entire drug syndicate and taking the investigation to its logical end, more so, when she has criminal antecedents having been convicted in as many as five other cases under the NDPS Act out of the nine case registered against her under the NDPS Act.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. *Prima facie*, the petitioner who admittedly has been involved in a number of cases under the NDPS Act, appears to be a part of a drug mafia which is not only operating in this part of the country but has its tentacles spread far and wide including Pakistan, Afghanistan and Dubai. This Court in the above facts and circumstances does not deem it a fit case to extend the extraordinary concession of anticipatory bail to the petitioner as her custodial interrogation would definitely be required by the prosecution.

6. The petition, therefore, 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.

July 24th, 2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No