

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

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2023:PHHC:119870

CRM-M-31382-2023

Date of decision: September 12th, 2023

Manish Kumar Kahnani @ Munna

.....Petitioner

Versus

Union of India, Narcotics Control Bureau, Chandigarh Zonal Unit,
Mohali

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rupak Srivastava, Mr. Arup Banerjee
and Mr. Sanjeev Sharma, Advocates
for the petitioner.

Ms. Puneeta Sethi, Senior Panel Counsel,
for the respondent-UI.

MANJARI NEHRU KAUL, J.

The petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case NCB Chandigarh Crime No.11/2023 dated 13.05.2023 registered under Sections 8, 15, 25, 27A and 29 of the NDPS Act, 1985.

Status report on behalf of the respondent has been filed in Court, which is taken on record.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner was nominated as an accused on a disclosure statement allegedly suffered by co-accused Kabal Singh and Hajor Singh, from whom a recovery of 1805.25 kgs of poppy husk was allegedly effected. Learned counsel submits that petitioner was not even anywhere in close vicinity of the place from where the alleged recovery of poppy husk was effected, but was in Bihar. Thereafter, NCB on reaching Bihar, arrested the petitioner and extracted a confession from him by

exercising undue influence. Learned counsel submits that not only is the evidentiary value of such disclosure statement of a weak nature but even the recovery-cum-seizure memo, *panchnama* etc. with respect to the alleged recovery do not in any manner reflect the involvement of the petitioner in the crime in question. A prayer has, therefore, been made to extend the concession of bail to the petitioner as his further incarceration would serve no useful purpose, more so since he has now been in custody since 26.05.2023.

Per contra, learned counsel appearing for NCB has vehemently opposed the prayer and submissions made by the counsel opposite. Learned counsel has submitted that a huge recovery of 1805.25 kgs of poppy husk was effected from co-accused Kabal Singh and Hajor Singh, who during investigation, suffered a disclosure statement to the effect that it was in fact the petitioner, who was the supplier of the alleged contraband. She has submitted that the petitioner had also thereafter confessed to his involvement in illicit trafficking of the recovered contraband by recording a voluntary statement under Section 67 of the NDPS Act. Learned counsel for the NCB has further contended that a total recovery of 1805.25 kgs of poppy husk was effected in the case in hand and drug money in the sum of ₹5.20 lakh was also recovered from the house of the petitioner. She has submitted that the investigation in the case in hand is still underway and enough material has come to the fore that an amount of ₹45,60,000/- was transferred in the account of the petitioner from the account of the son of co-accused Kabul Singh, who was nabbed at the spot along with the recovered contraband. Learned counsel has, thus, prayed for dismissal of the petition keeping in view the fact that the matter is still pending

investigation and the huge recovery of contraband effected from the co-accused.

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

No doubt, the petitioner was nominated as an accused in pursuance of a disclosure statement allegedly made by co-accused, however, this Court cannot be expected to turn a blind eye to the huge recovery of 1805.25 kgs of poppy husk effected from the co-accused along with drug money of ₹5.20 lakh recovered from the house of the petitioner. Still further, in view of the instructions received by learned counsel for the NCB, that investigation was still underway qua the illegal wealth amassed by the petitioner on account of his involvement in the drug syndicate, this Court does not deem it fit to extend the concession of regular bail to the petitioner.

The instant petition, therefore, stands dismissed.

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.

September 12th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No