

228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37158-2023
Decided on : 18.12.2023

Ishan Gupta

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.15 dated 23.01.2023 under Sections 22, 29 of NDPS Act registered at Police Station Gobindgarh Mandi District Fatehgarh Sahib.

2. Learned counsel for the petitioner *inter alia* contends that the false implication of the petitioner in the case in hand is evident from the fact that neither was he named in the FIR nor was he present when the alleged recovery of 8050 tablets of Alprazolam, 3640 tablets of Lomotil, 5500 tablets of Tramado and 2400 tablets of Pyeevon Spas capsule was effected from the co-accused. It has been submitted that the petitioner came to be nominated as an accused on the basis of the disclosure statement made by the co-accused from whom the alleged recovery was effected and this disclosure statement

has very weak evidentiary value. Learned counsel has further submitted that nothing had been recovered from the petitioner on being arrested on 24.01.2023 and furthermore, no incriminating material had been gathered by the investigating agency, which could link the petitioner with the crime in question.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite, on instructions has submitted that the petitioner is a man of criminal antecedents as he is involved in one more case under the NDPS Act; the petitioner in fact is the king pin in the instant case. It has been further submitted that the petitioner even while inside the jail in the other case registered under the NDPS Act against him, had been facilitating the sale of contrabands to various persons; it had come during investigation that co-accused Sunny Kumar from whose conscious possession 19590 intoxicant tablets were recovered, had disclosed the name of the petitioner and categorically stated at the time of making the disclosure statement that the petitioner had been active even while being in custody as he had been making phone calls and providing information to the other members of his gang as to from whom and where they were to procure the narcotic substances; further the petitioner had been constantly in touch with co-accused Sunny Kumar, who had been depositing money in the bank account of the petitioner. Learned counsel has still further submitted that it is abundantly clear that the petitioner had been orchestrating the sale and purchase of the contraband from behind the bars and in the wake of his criminal antecedents and nature of allegations levelled, he did not deserve to be

released on bail, more so, since he was arrested as recently as on 24.01.2023 and the prosecution evidence had also not yet commenced.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. *Prima facie*, there are serious and specific allegations levelled against the petitioner coupled with the huge recovery of 19590 intoxicant tablets having been effected from co-accused Sunny Kumar, who categorically disclosed in his disclosure statement that the petitioner was the king pin of the present case.

6. In the wake of aforementioned facts and circumstances, this Court does not deem it fit to extend the concession of bail to the petitioner. Accordingly, the instant 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.

18.12.2023
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(MANJARI NEHRU KAUL)
JUDGE

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