

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

107

2023:PHHC:108779

CRM-M-40772-2023

Date of decision: August 21st, 2023

Ramswarup Godara @ Raju

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kamal Narula, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.33 dated 27.03.2023 registered under Sections 15(C)/29 of the NDPS Act, 1985 at Police Station Khuian Sarver, District Fazilka.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand, which is evident from the fact that he was not even named in the FIR in question. It has been further submitted that the petitioner has been roped in the instant case only on the basis of a disclosure statement allegedly made by co-accused Bhupinder Singh, which to say the least, does not have much evidentiary value. Learned counsel further submits that even said Bhupinder Singh, on whose disclosure statement petitioner has been nominated as an accused, was not arrested from the spot. He submits that in the circumstances, it was evident that the petitioner was not even remotely connected with the contraband recovered in the instant case. He submits that nothing is required to be recovered from the petitioner. Therefore, even his custodial

interrogation would not be required and, thus, he be extended the concession of anticipatory bail.

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

4. The recovery effected in this case from co-accused Gurcharan Singh was of 100 kgs poppy husk, which is almost twice the quantity classified as commercial under the NDPS Act. As per the disclosure statement of co-accused Bhupinder Singh, it is the petitioner, who was the supplier of the huge quantity of contraband, which was recovered from him. Still further, the disclosure statement made by the co-accused qua the involvement of the petitioner stands *prima facie* corroborated from not only the call record details between the petitioner and other accused but also from the various payments which were made into the bank account of the petitioner by the co-accused.

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

6. The instant 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.

August 21st, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No