

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

205

2023:PHHC:117647

CRM-M-41988-2023

Date of decision: September 6th, 2023

Kamlesh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Suram Singh Rana, Advocate
for the petitioner.

Mr. Inderpal Singh Sabharwal, Deputy Advocate General,
Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.214 dated 26.07.2023 under Sections 20, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station City Rajpura, District Patiala.

2. Learned counsel for the petitioner, *inter alia*, contends that as per the admitted case of the prosecution, the petitioner was not present at the spot when recovery of 8 kgs of *ganja* was effected from co-accused Akash. He submits that subsequently a disclosure statement was allegedly suffered by co-accused Akash, who stated that the contraband had been procured from the petitioner. Learned counsel submits that the evidentiary value of such disclosure statement inculcating the petitioner as an accused, is admittedly of a very weak nature and hence, the petitioner deserves to be extended the concession of anticipatory bail.

3. On the last date of hearing, the State had been put to notice.

4. Learned State counsel, on instructions, has vehemently opposed the prayer and submissions made by the counsel opposite qua a false case having been planted upon the petitioner. He, on instructions, submits that no doubt the petitioner was indeed nominated as an accused on the basis of a disclosure statement suffered, however, the recovery effected from the co-accused was 8 kgs of ganja, coupled with the fact that the petitioner is involved in another case under the NDPS Act. It has also been further submitted that in fact, the entire family of the petitioner including her son is involved in a number of cases registered under the NDPS Act and hence, her custodial interrogation is required so as to bust the drug mafia, of which she evidently is a member.

5. *Prima facie*, the petitioner comes across as a habitual offender. This Court concurs with the prayer made by the State that in view of her as well as her family's criminal antecedents, the custodial interrogation of the petitioner would be warranted. This Court, therefore, does not deem it fit 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.

September 6th, 2023

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No