

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

215

2023:PHHC:133135

CRM-M-49571-2023

Date of decision: October 12th, 2023

Naveen Bhatia

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Wadhawan, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.156 dated 02.09.2023 under Sections 21(c), 29, 25, 27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Section 25 of the Arms Act, 1959, registered at Police Station Sadar, Tarn Taran.

2. On the last date of hearing, after noticing the following submissions, the State had been put on notice:-

“Learned counsel for the petitioner inter alia contends that the petitioner has been nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused who were named in the secret information received by the police and subsequently nabbed during a naka. Learned counsel submits that it was on account of a business rivalry that he had been falsely implicated in the case in hand by co-accused. It has further been submitted that falsity of the allegations levelled in the FIR finds credence from the fact that the petitioner is suffering from advance stage of cancer for which he is undergoing treatment in Delhi and

Bombay and hence, he could not possibly have been involved in the crime in question.”

3. Learned State counsel, on instructions, has vehemently opposed the prayer and submissions made by the counsel opposite for extending the extraordinary concession of anticipatory bail to the petitioner. Learned State counsel, on instructions, has submitted that the petitioner, in fact, is the kingpin of a large drug syndicate. He is involved in four other cases under the NDPS Act, from which it can be clearly discerned that he is actively involved in the sale and purchase of narcotic substances. Learned counsel has further submitted that no doubt, the petitioner was nominated as an accused in the disclosure statement made by the accused, who were nabbed at the spot along with 1 kilogram 700 grams of heroin, one pistol and one cartridge along with drug money amounting to ₹1,14,10,000/-, however, there was enough material on record to link him with the co-accused. Learned counsel submits that he had been using a satellite phone to carry out the operations behind the scene and it was through the satellite phone that he had been in touch with the co-accused. Learned counsel has submitted that being a mastermind, his custodial interrogation is required, so that the entire syndicate could be busted. Learned counsel has submitted that as far as the petitioner suffering from cancer is concerned, there is nothing which would stop him from still masterminding the operations of his syndicate, even while sitting at his home or while getting himself treated at a hospital.

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

5. *Prima facie*, it is evident that the petitioner is a part of a

large drug racket. It is not disputed that by the learned counsel for the petitioner that he is involved in a number of other cases under the NDPS Act. In view of the allegations levelled against him and his involvement in four other cases under the NDPS Act, he does not deserve the concession of anticipatory bail.

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.

October 12th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No