

104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53655-2023
Decided on : 20.10.2023

Abhishek Kumar @ Abhu @ Abba

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.P.Dhir, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.189 dated 20.07.2023 under Section 22, 29, 61 and 85 of NDPS Act registered at Police Station Model Town District Hoshiarpur.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand as neither was he named in the FIR in question nor any role attributed to him. Learned counsel submits that petitioner has been roped in only on the basis of a disclosure statement allegedly made by co-accused Pawan Kumar @ Laddi, which has very weak evidentiary value. It has been submitted that even otherwise the intoxicants recovered from the co-accused weighed only 257 grams and there was no way to determine as to whether the quantity was actually commercial

quantity under the NDPS Act or not, because the entire recovered contraband had been weighed along with the envelope, in which it had been concealed.

3. Heard learned counsel and perused the relevant material on record.

4. As per the case of the prosecution, 257 grams of intoxicant powder was recovered from the possession of co-accused Pawan Kumar @ Laddi. It was during his disclosure statement that co-accused nominated the petitioner as being the supplier of recovered contraband. It was also stated by the co-accused in his disclosure statement that the petitioner had engaged him to distribute the recovered contraband to various persons in lieu of money. Besides this, the Court cannot lose sight of the fact that the petitioner is involved in another case under the NDPS Act i.e. FIR No.05 dated 05.01.2023 registered under Sections 21-B, 29, 61 and 85 of NDPS Act at P.S. Special Task Force Phase IV, Mohali. *Prima facie*, the petitioner thus, comes across as being a habitual offender.

5. In the facts and circumstances of the case, this Court does not deem it fit to extend the extra-ordinary concession of anticipatory bail to the petitioner. Accordingly, the present petition 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.

20.10.2023

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(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No