

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

**CRM-M No.54638 of 2023**  
Date of decision: 29<sup>th</sup> November, 2023

Subhash Mahato

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Ravi Rana, Advocate for the petitioner.

Ms. Kanica Sachdeva, Asst. Advocate General, Punjab  
for the respondent/State.

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.185 dated 01.11.2022 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 29 and 27 of the NDPS Act added later on) registered at Police Station GRP Ludhiana.

2. Learned State counsel has filed status report by way of an affidavit of Balram Rana IPS, Superintendent of Police (Inv.), GRP Punjab today in the Court, which is taken on record subject to all just exceptions and a copy thereof supplied to learned counsel opposite.

3. Learned State counsel has vehemently opposed the prayer made by the counsel opposite for extending the extraordinary concession of anticipatory bail to the petitioner. She, on instructions from ASI Jagtar

Singh, submits that no doubt the petitioner was not present along with co-accused Hari Sahni, from whom recovery of 5 kgs of Charas was effected, however, on being nabbed when co-accused Hari Sahni was interrogated, he suffered a disclosure statement, wherein he named the petitioner and 4 others of being a part of the gang which was indulging in the sale and purchase of narcotic substances. Learned State counsel has further submitted that when his further investigation was carried out, mobile call records of the co-accused Hari Sahni as well as all other accused nominated during disclosure statement were also investigated into and it was found that they all had been in touch with each other prior to the date of alleged recovery and even soon before the alleged recovery was effected from the co-accused Hari Sahni. She has, in particular, drawn the attention of this Court to paragraph No.3 of the affidavit, wherein it stands specifically mentioned that on 01.11.2022 when the co-accused was apprehended along with huge recovery of 5 kgs of Charas, the petitioner had had a telephonic conversation with Hari Sahni at 8:35 a.m. and 6:39 p.m. Learned State counsel has vehemently prayed for dismissal of the instant petition as custodial interrogation of the petitioner would be necessitated in the case in hand.

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

5. In the light of submissions made by learned State counsel, coupled with the huge quantity of narcotic substance recovered as well as

the role assigned to the petitioner, this Court does not deem it fit to allow the extraordinary concession of anticipatory bail to the petitioner. The petition, as such, stands dismissed.

6. 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.

(MANJARI NEHRU KAUL)  
JUDGE

November 29, 2023  
*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |