

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

MOHAMMAD YAKUB**PETITIONER**
VERSUS
STATE OF PUNJAB**RESPONDENT**

Present : Mr. Abdul Aziz, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No. 119 dated 23.10.2023 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of Narcotic Drugs and Psychotropic Substances Act 1985 added later on) registered at Police Station City II Malerkotla, District Malerkotla.

2. Learned counsel for the petitioner submits that the innocence of the petitioner in the crime in question is evident from the fact that he was in custody on the date when the alleged recovery was effected from co-accused.

3. Learned counsel submits that furthermore the petitioner was arrayed as an accused on the basis of very weak evidence, i.e., disclosure statement. Hence, he would be entitled to the concession of anticipatory bail.

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

5. It has not been disputed by learned counsel for the

petitioner that petitioner is involved in two other cases under the NDPS Act, which were registered prior in time to the case in hand.

6. As per the prosecution case, the petitioner came to be nominated as an accused on the basis of a disclosure statement suffered by co-accused from whom recovery of 50 grams of heroin was effected. No doubt the recovery effected from the co-accused has not been classified as commercial under the NDPS Act, however, this Court cannot lose sight of the fact that allegedly it was the petitioner, who has supplied the contraband to the accused.

7. The contention of the learned counsel for the petitioner that he was in custody on the date, when the alleged recovery was effected from the co-accused, is neither here nor there, for the reasons that it is not the case of the prosecution that the recovery effected had been supplied to them on the date when the co-accused were apprehended. Once, it has been alleged that the petitioner is a supplier of the contraband, coupled with his involvement in other cases under the NDPS Act, his prima-facie involvement in the case in hand is discernible.

8. Dismissed.

9. Nothing contained herein above, shall be construed as an expression of opinion on the merits of the case.

16.11.2023

manoj

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No