

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12517-2024
Date of decision: 13.05.2024

Anthony

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C,
the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as
under: -

FIR No.	Dated	Sections	Police Station
170	26.12.2023	21 and 29 of the NDPS Act	Basti Bawa Khel, District Jalandhar

2. Arguments heard.
3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is not named in the FIR but has been nominated on the basis of disclosure statement made by the co-accused namely Ravinder Singh @ Raju, with whom, the petitioner

has no concern. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Per contra, learned State counsel while referring to the reply dated 29.04.2024, has assailed these arguments by submitting that the petitioner is actively involved and a habitual offender and as many as 08 cases are registered against him under the NDPS Act. He submitted that the co-accused (supra), who was apprehended at the spot having 100 grams of heroin, had categorically disclosed having brought the same from the petitioner @ Rs.3200/- per gram, as such, his custodial interrogation is required and prays for dismissal of the petition.

5. After considering the rival contentions and perusing the record, it transpires that instant FIR was registered consequent upon the co-accused, namely Ravinder Singh alias Raju, being apprehended by the police on 26.12.2023 and from his possession 100 grams of heroin was recovered. During the course of interrogation, he disclosed that he received this contraband from the present petitioner for Rs.3200/- per gram and accordingly, the present petitioner was nominated in the case. Considering the respective submissions and perusing the record, it transpires that the petitioner is not the first offender but is having as many as 08 cases registered against him under the NDPS Act. There are specific allegations in the disclosure statement of the co-accused that the petitioner had sold the contraband to him for Rs.3200 per gram, therefore considering the antecedents of the petitioner and also the facts

and circumstances, it is observed that the custodial interrogation of the petitioner is required in those cases to unearth the *modus operandi* of petitioner. As a consequent, finding no merit, no case is being made out in favor of the petitioner for grant of anticipatory bail.

6. Dismissed.
7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

13.05.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |