



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

103

CRM-M-34537-2024

Date of decision: 22.07.2024

Sanju

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ruhani Chandha, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.274 (Annexure P-1) dated 27.06.2024 under Section 21 of the Narcotic Drugs and Psychotropic Substance Act, 1985 and offence under Section 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985 was added later on, registered at Police Station City Ferozepur, District Ferozepur.

2. Learned counsel for the petitioner submits that as per the case of the prosecution itself, recovery of 150 grams of heroin was allegedly effected from co-accused-Vicky who was apprehended at the spot by the police on suspicion; thereafter co-accused-Vicky suffered a disclosure statement naming the petitioner as being the supplier of the recovered contraband. Learned counsel has argued that the disclosure statement on the basis of which he has been nominated as an accused in the present case has very weak evidentiary value and hence he deserves to be extended the concession of anticipatory bail.



3. On a pointed query put to the learned counsel as to whether the petitioner has any criminal antecedents, he has very fairly conceded that the petitioner is involved in the following criminal cases:

(a) FIR No.83 dated 13.04.2019 registered with Police Station City Ferozepur under Sections 21 and 29 of NDPS Act and Section 25 of Arms Act, District Ferozepur. (Bail granted in vide order dated 06.05.2024 passed in CRM-M-47681 of 2023.

(b) FIR No.76 dated 18.02.2023 registered with Police Station City Ferozepur under Sections 42 and 52-A of Prisons Act District Ferozepur. (On Bail granted by vide order dated 25.04.2023 passed by Ld.CJM, Ferozepur).

However, it has been asserted by the learned counsel that therein also the petitioner has been falsely implicated.

4. Notice of motion.

5. At the asking of the Court, Mr. Navdeep Singh, DAG, Punjab, accepts notice. Learned State counsel at the outset has opposed the prayer and submissions made by the counsel opposite. He has, on instructions, submitted that there is no question of the petitioner being falsely implicated in the present case; rather the petitioner evidently is a man of criminal antecedents. The petitioner, as per the learned State counsel, was released on bail in another criminal case on 06.05.2024 and soon thereafter he again was involved in a case under the NDPS Act i.e. on 07.06.2024. Learned State counsel has submitted that the petitioner is a habitual offender and, thus, does not deserve the extraordinary concession of anticipatory bail.



6. In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the extraordinary concession of anticipatory bail.

7. In view of the above, the present petition is 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.

(MANJARI NEHRU KAUL)
JUDGE

July 22, 2024
poonam

Whether speaking/reasoned:	Yes
Whether reportable:	No