



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

230

CRM-M-46818-2024

Date of decision: 25.09.2024

Joginder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Tanvir S. Grewal, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.77 dated 28.06.2023 under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act added lateron) registered at Police Station City Dhuri, District Sangrur.

2. Learned counsel for the petitioner submits that the petitioner was arrested on 23.08.2024 pursuant to a disclosure statement allegedly suffered by co-accused Ajay Kumar from whom a recovery of 60 kgs of poppy husk was allegedly effected after a tip off qua his involvement in drug trafficking. Learned counsel submits that the evidentiary value of the disclosure statement is of a weak nature and al this needs to be appreciated in the light of the petitioner having no previous criminal antecedents and no recovery of any contraband, much



CRM-M-46818-2024

less poppy husk, being effected from him. It has been submitted that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose. He deserves to be extended the concession of regular bail.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to dispute that no secret information was received qua the involvement of the petitioner in drug trafficking; recovery of 60 kgs of poppy husk (marginally higher than the minimum classified as 'commercial' under the NDPS Act) was effected only from co-accused Ajay Kumar, who was apprehended at the spot by the police after a secret information had been received qua him.

4. On a pointed query put to the learned State counsel, it has not been disputed on instructions that no recovery of any contraband was effected from the petitioner nor is he involved in any other criminal case, much less under the NDPS Act.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. In the facts and circumstances as enumerated hereinabove and in view of the no recovery being effected from the petitioner in the present case coupled with the fact that the petitioner is nominated as an accused on the basis of a disclosure statement suffered by the co-accused, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner

**CRM-M-46818-2024**

be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

25.09.2024

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**(MANJARI NEHRU KAUL)
JUDGE**

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