



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

103

CRM-M-53407-2024

Date of decision: 25.10.2024

Manjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amaninder Preet, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.97 dated 28.09.2024 under Sections 15(c) and 25 (Act No.61) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), registered at Police Station Sangat, District Bathinda.

2. Learned counsel for the petitioner submits that it was on suspicion that the police intercepted his truck which was being driven by the co-accused and thereafter allegedly recovered 100 kgs of poppy husk from it. Learned counsel submits that it is a matter of record and cannot be disputed by the prosecution that the petitioner was not present in truck when the alleged recovery was effected. Learned counsel further submits that the petitioner at the relevant time was also nowhere near the vicinity of the alleged occurrence as he was travelling to Bihar in connection with his work.



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3. On a pointed query posed to the learned counsel as to whether the petitioner has any previous criminal antecedents, learned counsel has replied in the affirmative and submitted that although the petitioner was booked and convicted in one more case under the NDPS Act, however, the alleged recovery effected in the said case was intermediary coupled with the fact that therein also he was not apprehended at the spot but nominated as an accused on the basis of a disclosure statement.

4. Notice of motion.

5. On asking of the Court, Mr. Amit Rana, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State.

6. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite, by contending, on instructions from ASI Kashmir Singh, that it is evident that the petitioner is a habitual offender as previously also he has been convicted in a case under the NDPS Act. It has been further submitted that the bags containing the recovered contraband had been loaded into the truck on the asking of the petitioner and against payment for the same. Learned State counsel, therefore, prays for dismissal of the instant petition as the custodial interrogation of the petitioner would be necessitated.

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

8. In view of the petitioner's repeated involvement in cases registered under the NDPS Act moreso when the drug menace is

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rampant in this part of the country, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed accordingly.

9. 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.

25.10.2024

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**(MANJARI NEHRU KAUL)
JUDGE**

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