

2025:PHHC:093404



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

CRM-M-5401-2025 (O&M)

Reserved on : 23.07.2025

Pronounced on : 29.07.2025

Bablu**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Naveen Bawa, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 149 dated 16.11.2024, registered under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sarabha Nagar, District Ludhiana.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 16.11.2024, on the basis of secret information, co-accused Amarjit Singh was apprehended by a police party and recovery of 2.510 kgs. of opium was effected from him. Upon interrogation, he disclosed that after purchasing opium in bulk quantity, he used to sell the same at various places in his car bearing registration number PB-10-FX-9297 and from half of the

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money received thereof, he used to purchase gold jewelries and rest of the money, he used to keep in his almirah. Thereafter, at his instance, recovery of drug money of Rs.22,41,510/- and some gold jewelries was also effected from an almirah kept in his house. During the course of investigation, he suffered disclosure statement to the effect that the recovered contraband was supplied to him by the present petitioner. He also disclosed that the petitioner was supplying huge quantity of opium from his shop of coconut water. On the basis of the said disclosure statement, the petitioner was nominated in this case as an accused and was arrested on 18.11.2024. He suffered disclosure statement admitting his involvement in the subject crime. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was neither named in the FIR nor was found at the spot. He has been implicated in this case on the basis of the disclosure statement suffered by co-accused, which is not admissible in evidence. No subsequent recovery has been effected from him. He is not involved in any other case. Even otherwise, investigation stands completed and *challan* has been filed. The petitioner is in custody since 18.11.2024. Conclusion of trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

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4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations, the petitioner is not entitled to get benefit of bail. If he is released on bail, he may abscond or indulge in similar offences. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused Amarjit Singh, who was apprehended by the police party on 16.11.2024 and from whom recovery of 2.510 kgs. of opium and drug money of Rs. 22,41,510/- along with certain gold jewelries was effected. The allegations against the petitioner are that he used to supply opium to the co-accused and others from his coconut water shop. The allegations against him are quite serious. Investigation has since been completed and *challan* has been filed. Trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. The apprehension of learned State counsel that if extended benefit of bail, the petitioner may indulge in drug smuggling again cannot be stated to be unfounded. Keeping in view the gravity of allegations as levelled against the petitioner, the quantity of the recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

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7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

29.07.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No