



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

105

CRM-M-6892-2025

Date of decision: February 6th, 2025

Younas

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail in FIR No.83 dated 22.12.2024 under Sections 21 and 29 of the NDPS Act, 1985, registered at Police Station Qadian, District Batala/Gurdaspur.

2. Learned counsel for the petitioner submits that during a routine patrol, co-accused Aman Kumar was apprehended by the police on suspicion, leading to a recovery of only ten grams of heroin. It has been contended that the petitioner was neither in the vicinity when the alleged recovery was made nor is it the case of the prosecution that the petitioner fled away when the alleged recovery was made from co-accused Aman Kumar. It has been contended by the learned counsel that the petitioner came to be nominated as an accused subsequently on the basis of a disclosure statement allegedly suffered by co-accused Aman Kumar, which holds minimal evidentiary value. A prayer has, therefore, been made for extending the extraordinary concession of anticipatory bail to the petitioner.

3. On a pointed query put to the learned counsel as to whether the petitioner has any previous criminal antecedents, he has replied in the affirmative.

4. Notice of motion.

5. Mr. H.S. Deol, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent.

6. Learned State counsel, on instructions from ASI Rashpal Singh, has informed the Court that the petitioner has previous criminal antecedents, which is evident from the fact that previously also, he has been booked in four cases under the NDPS Act.

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

8. The petitioner *prima facie* comes across as a habitual offender. As per the disclosure statement suffered by co-accused Aman Kumar, the recovered contraband, although classified as small, was procured through the petitioner. In the facts and circumstances and in the light of the role attributed to the petitioner, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

9. Accordingly, the instant petition stands dismissed.

10. 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.

February 6th, 2025

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No