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

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CRM-M-6871-2025 (O&M)
Date of decision: 04.04.2025

Manish Arora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vivek Salathia, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 0112 dated 21.12.2024, registered under Sections 18 and 29 (added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station PAU, Ludhiana.

2. Brief facts of the case relevant for the disposal of the present petition are that on 21.12.2025, co-accused Gagan and Ravi Kumar, while coming on a scooter bearing registration number PB-02-EK-1454, were apprehended by the police party and recovery of 500 grams of opium was effected from co-accused Gagan, whereas 3 kgs. of opium was recovered from co-accused Ravi Kumar. Both of them were formally arrested at the spot. During the course of investigation, co-accused Ravi Kumar suffered disclosure statement to the effect that the present petitioner was the supplier of the

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recovered contraband. On the basis of the same, the petitioner has been nominated in this case as an accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Ludhiana but the same had been dismissed, vide order dated 22.01.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in evidence against the petitioner. There is nothing on record to connect the petitioner with the subject crime. No recovery is to be effected from him. He is ready to join the investigation. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed. To fortify his argument, learned counsel for the petitioner has relied upon the authority of Hon'ble Supreme Court rendered in ***Tofan Singh vs. State of Tamil Nadu : (2021) 4 SCC 1.***

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that that though the petitioner has been nominated in this case on the basis of the disclosure suffered by the co-accused but his complicity in the subject crime has been duly established during the course of investigation. He used to supply the opium to co-accused. His custodial interrogation is must for proper investigation in the matter as well as for effecting further recovery of contraband, if any. It is, thus, argued that the petition is liable to be dismissed.

5. I have learned counsel for the parties at considerable length and

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have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure made by co-accused Ravi Kumar, from whose possession, recovery of 03 kgs. of opium was effected, apart from the recovery of 500 grams of opium which was effected from co-accused Gagan. The allegations against the petitioner are that he used to supply the contraband to the co-accused and even the recovered contraband was sold by the petitioner to co-accused at the rate of Rs.70,000/- per 500 grams. It has also come during investigation that the petitioner used to have conversation with the co-accused regarding smuggling of the contraband on Whatsapp and used to receive the payments thereof through UPI. The allegations against the petitioner are quite serious. In order to conduct a proper investigation and also for knowing the source of the contraband, his custodial interrogation is must. So far as the ratio of law as laid down by Hon'ble Supreme Court in ***Tofan Singh***'s case (supra) is concerned, the same stands clarified by Hon'ble Supreme Court in ***State of Haryana vs. Samarth Kumar : 2022(3) RCR (Criminal) 991***, wherein it has been held that the advantage of decision of ***Tofan Singh***'s case (supra) can be taken in regular bail application or at the time of final hearing after conclusion of trial and not while seeking concession of pre-arrest bail. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing

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circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out rather his custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

04.04.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No