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

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CRM-M-6785-2025 (O&M)
Date of decision: 13.05.2025

Banwari Lal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. P. S. Sekhon, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

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 FIR No. 19 dated 23.02.2023, registered under Sections 15-C, 25, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sangat, District Bathinda.

2. Brief facts of the case relevant for the disposal of the present petition are that on 23.02.2023, co-accused Ravneet Singh @ Meet, while driving a truck bearing registration number PB-03-AJ-8882, was apprehended by the police party and recovery of 80 kgs. of poppy husk was effected from the said vehicle. Since the co-accused could not produce any license or permit to keep in his possession the recovered contraband, he was formally arrested at the spot. During investigation, the said vehicle was found to be registered in the name of one Jagjit Singh. He was nominated as an accused in this case and was arrested on 25.02.2023. Upon interrogation, he disclosed that the recovered

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contraband was supplied to him by the present petitioner through his driver i.e. aforesaid Ravneet Singh at the rate of Rs. 2500/- per kg. Co-accused Ravneet Singh had also made similar disclosure statement nominating the petitioner as supplier of the contraband. On the basis of the same, the petitioner was also nominated in this case as an accused. The petitioner was arrested on 16.11.2024. In the meantime, *challan* qua aforesaid co-accused was presented before the Court and after facing trial, co-accused Ravneet Singh @ Meet was convicted for a period of 10 years, whereas co-accused Jagjit Singh was ordered to be released on probation, vide judgment dated 09.12.2024. After arrest of the petitioner, investigation qua him has been completed and *challan* has been presented on 14.01.2025 and he is now facing trial for the aforementioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 16.01.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by above name co-accused, which is not admissible in evidence. There is nothing on record to connect the petitioner with the subject crime, except the aforesaid disclosure statements. No subsequent recovery has been effected from the petitioner. He is not involved in any other case. Investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 16.11.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that though

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the petitioner has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused but during the course of investigation, his complicity in the subject crime has been duly established. The petitioner had supplied the recovered contraband to the co-accused. Previously also, he used to supply them the contraband. The aforesaid co-accused were put to trial, whereby co-accused Ravneet Singh has been convicted under Section 15 of the NDPS Act for a period of 10 years, whereas co-accused Jagjit Singh has been convicted under Section 27 of the NDPS Act and has been released on probation. The trial qua the present petitioner has commenced. The petitioner is a resident of Rajasthan and was arrested only on 16.11.2024 i.e. after a period of more than two and half year since registration of the FIR. If he is released on bail, he can abscond or indulge in similar offences. It is, thus, argued that the petition is liable to be dismissed.

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

6. The petitioner has been nominated in this case on the disclosure statements suffered by above named co-accused. The allegations against the petitioner are that he had supplied the recovered contraband i.e. 80 kgs. of poppy husk to the co-accused. It is also the version of the prosecution that prior to aforesaid recovery of poppy husk, the petitioner had supplied 35 kgs. of poppy husk to the co-accused. The allegations against the petitioner are quite serious. The co-accused, who faced full length trial, have been convicted by the learned trial Court, as mentioned above. The petitioner is a resident of Rajasthan and has been arrested only on 16.11.2024. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in

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similar offences cannot be stated to be unfounded. Trial qua him is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, 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.

13.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No