

2025:PHHC:044131



215.

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

CRM-M-9652-2025

Date of decision: 01.04.2025

Ajaib Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Piyush Sharma, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 482 of BNSS, 2023, is for grant of anticipatory bail to the petitioner in case FIR No.149, dated 02.12.2022, under Sections 15, 25 of NDPS Act, 1985 (Section 29 of NDPS Act and Section 473 of IPC added lateron), registered at Police Station Barnala, District Barnala.

2. Vide order dated 20.02.2025, this Court had issued notice of motion to the State while noticing the following submissions made by the counsel for the petitioner:-

“Learned counsel for the petitioner, inter alia, contends that the petitioner was not apprehended at the spot along with the co-accused, from whom a recovery of 1800 kilograms of poppy husk was allegedly effected; the petitioner came to be nominated as an accused on the basis of a second disclosure statement, which was made almost one month after the FIR in question was registered. It has been asserted by the learned counsel that the petitioner has no previous criminal antecedents.”

3. Learned State counsel, on being put to notice, has already filed its reply dated 03.03.2025. Learned State has vehemently opposed the prayer for anticipatory bail, by contending that the submissions made by learned counsel for the petitioner regarding the absence of prior criminal antecedents is patently incorrect. It has been submitted that the petitioner is, in fact, a habitual offender and has been involved in as many as 09 criminal cases, out of which, 08 are under the NDPS Act. Except for one case registered on 01.09.2014, in which he was acquitted, the petitioner is facing trial in several other cases, and in two of them, he has been declared a proclaimed offender. Learned State counsel has further argued that given the gravity of the allegations and the magnitude of the recovery, custodial interrogation of the petitioner is imperative for unearthing the wider nexus of the drug cartel.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. This Court finds that the claim of the petitioner of having no criminal antecedents is factually incorrect. The reply dated 03.03.2025 filed by the State details his involvement in multiple cases under the NDPS Act. This aspect assumes significance in light of the nature of the offence involved, which pertains to the illegal trafficking of narcotic substances—a grave menace to society.

6. While it is correct that the implication of the petitioner in the present case arises from a disclosure statement, such statement cannot be viewed in isolation, particularly when considered in conjunction with the

past conduct and involvement of the petitioner in other cases under the NDPS Act. Furthermore, given the scale of the recovery from the co-accused (1800 kgs of poppy husk) and the alleged role attributed to the petitioner as one of the suppliers, custodial interrogation is not only warranted but necessary to ascertain the full extent of the drug network.

7. In view of the serious allegations, the huge recovery, and the antecedents of the petitioner, this Court finds no ground to extend the extraordinary concession of anticipatory bail to the petitioner.

8. Present 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.

(MANJARI NEHRU KAUL)
JUDGE

April 01, 2025
sanjeev

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