

**CRM-M-12299-2025****-2-**

interrogation, co-accused disclosed the name of the petitioner as one of the offenders, resulting in the nomination of the petitioner as one of the accused in the FIR(*supra*).

Learned counsel for the petitioner *inter alia* contends that the petitioner is having clean antecedents and there is no evidence with the Investigating Agency to remotely connect the petitioner with the alleged recovery of the contraband which admittedly has been recovered from the conscious and exclusive possession of the co-accused. The petitioner has been falsely implicated in the present case on suspicion as petitioner has called the co-accused. It is further contended that the co-accused are the co-villagers of the petitioner and they were missing, as such, the petitioner made calls on their mobile numbers on the asking of their family members. The entire case of the prosecution hinges upon the disclosure statement made by the co-accused during custodial interrogation and such statement recorded by the Investigating Officer is hit by Section 25 of the Indian Evidence Act which has no evidentiary value in the eyes of law.

Per contra, the learned State counsel opposes the prayer made by learned counsel for the petitioner on the ground that petitioner is a linchpin of the drug trafficking. The drugs were sent by drone from Pakistan. The petitioner orchestrated the entire delivery of contraband in India by first receiving the location of the co-accused and thereafter, sending the location to the drug peddler in Pakistan and a huge quantity of *heroin* has been recovered from the possession of the co-accused by the Border Security Forces (BSF).

Having heard learned counsel for the parties, this Court finds it an urgent necessity to note the steady increase in cross border smuggling of illicit

CRM-M-12299-2025-3-

drugs. The introduction of drones as a mode of trafficking has provided a cost-efficient shift towards unmanned methods of trafficking. The increasing instances of drug smuggling into India through drones from across the Pakistan border pose a grave threat to national security and public health. This illicit trade not only fuels organized crime but also has a devastating impact on the youth, who are the most vulnerable to drug abuse. The easy availability of narcotics weakens the moral and social fabric of the nation, impeding the progress of future generations. The court recognizes that such offenses are not mere violations of law but have serious implications on the security and development of the State, necessitating stringent legal action.

Moreover, after going through the allegations contained in the FIR (*supra*) and the fact that the investigation is at the nascent stage, custodial interrogation of the petitioner is imperative to unearth the truth and the *modus operandi* how the smuggling of drugs through drones have been carried out, therefore, no ground is made out to grant anticipatory bail to the petitioner and, thus, the present petition is hereby dismissed.

(HARPREET SINGH BRAR)

JUDGE

05.03.2025

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No