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

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CRM-M-12449-2025 (O&M)
Date of decision: 20.05.2025

Kheta Ram **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Premjit Singh Hundal, 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. 94 dated 19.06.2024, registered under Sections 21(C), 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Chheharta, Amritsar.
2. Brief facts of the case relevant for the disposal of the present petition are that on 19.06.2024, on the basis of a secret information, co-accused Gurjant Singh @ Janty and Jaspal Singh @ Pala were apprehended by a police party headed by Inspector Amandeep Singh and recovery of 01 kg. 500 grams of heroin was effected from them. During the course of investigation, on 21.06.2024, co-accused Gurjant Singh @ Janty disclosed that he used to receive consignments of heroin from a Pakistani smuggler namely Billa and sell the same as per directions of said Billa. He further disclosed that he used to hand over the drug money to the present petitioner and one Raj Kumar. On the basis

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of the same, the petitioner and Raj Kumar were nominated in this case. On the same day, the petitioner and co-accused Raj Kumar, who were coming in a car bearing registration number DL-5-CH-3024, were arrested and drug money of Rs. 27.10 Lakhs was recovered from them. Upon interrogation, co-accused Jagannath Singh disclosed that he along with co-accused Raj Kumar used to collect drug money through *hawala* and used to deliver the same to the present petitioner. On the basis of the same, the petitioner was also nominated in this case and was arrested on 29.06.2024 from his residence. During search, drug money of Rs. 55 Lakhs and one note counting machine were recovered from his house. During interrogation, the petitioner admitted his involvement in the subject crime. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offence. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 30.01.2025.

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 the co-accused, which is not admissible in evidence. The aforesaid amount of money recovered from the petitioner, which has been shown as drug money, in fact belonged to the firm namely Ramesh Kumar Shankarlal and Company, where the petitioner was working as its employee. Even otherwise, investigation has since been completed and *challan* has been filed. The conclusion of trial is likely to take long time. The petitioner is in custody since 29.06.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that

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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 the petitioner is not entitled to get benefit of bail as there are serious allegations against him. He was actively involved with the co-accused in commission of subject crime. He used to receive the drug money from co-accused as part of transaction of drug smuggling. Drug money of Rs. 55 Lakhs was recovered from his residence. It is further argued that a commercial quantity of the contraband was recovered in this case and the petitioner is a part of drug syndicate. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, urged 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 of the above named co-accused, from whose possession, drug money of Rs. 27.10 Lakhs was recovered. The allegations against the petitioner are that he was actively involved in drug smuggling with the co-accused. Drug money of Rs. 55 Lakhs had been received from his residence. Although the petitioner has made a claim that the said money belonged to the said firm, where he was working, and it was recovered from the office of the said firm and not from his residence, however, a perusal of the status report reveals that it has been categorically stated that it was recovered from his residence. The petitioner has not placed any material on record, so as to form a *prima facie* opinion that the amount of money, recovered from him, was belonging to the said firm. Even otherwise,

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such disputed question of facts cannot be decided at this stage. The allegations against the petitioner are quite serious. He is stated to be part of a drug syndicate which is involved in cross border drug smuggling. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband as well as amount of the drug money, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, 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.

20.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No