



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

CRM-M-14357-2025
Date of decision: 01.04.2025

Anu @ Anu Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.S. Sandhu, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail in case having FIR No.293 dated 26.07.2023, under Section 21 of NDPS Act and Section 29 NDPS Act and Sections 181, 182, 192 of Motor Vehicle Act, added later on, registered at Police Station City Ferozepur, Punjab.

2. The allegations in brief are that police apprehended Vishal @ Dipu and recovered 500 grams of heroin and drug money worth Rs.2 lac from him on 26.07.2023. During investigation, Vishal @ Dipu suffered disclosure statements against the petitioner and one Vishu (juvenile) with regard to their involvement in drug trafficking. Subsequently, the petitioner and Vishu were arrested in this case. However, nothing was recovered from their possession.

3. The counsel appearing on behalf of the petitioner submits that the petitioner is falsely nominated as accused on the basis of disclosure statement suffered by co-accused Vishal @ Dipu. At the relevant time, the petitioner was lodged in jail and further during investigation, no contraband was recovered at the instance of the present petitioner. It is further submitted that otherwise also the disclosure statement if any suffered by co-



accused against the present petitioner is inadmissible in evidence and petitioner is in custody for the last about 6 months and that it will take time for the trial to conclude. It is further submitted that in the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period, as the similarly situated co-accused Vishu (a juvenile) is already acquitted by the Court concerned in this very case.

4. The present petition is resisted by the State counsel who submits that the name of the petitioner surfaced in the disclosure statement of co-accused Vishal @ Dipu from whom, police recovered 500 grams of heroin and drug money worth Rs.2 lac on 26.07.2023. Subsequently, the petitioner was arrested in the present case and at the relevant time, the petitioner was lodged in a jail. It is further submitted that the trial is going on and that the case being covered under the stringent provision of Section 37 NDPS Act, the petitioner who is having criminal history under NDPS Act, is not entitled to get concession of regular bail at this stage. However, the State counsel has not disputed the fact that in the instant case, no contraband or incriminating article was recovered by the police at the instance of the present petitioner.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, the petitioner was not named in the FIR which was registered against Vishal @ Dipu and Vishu, on the basis of secret information and thereafter, police apprehended Vishal @ Dipu and recovered 500 grams of heroin and drug money worth Rs.2 lac from him. The petitioner was nominated as an accused on the basis of the disclosure statement suffered by aforesaid Vishal @ Dipu and thereafter, the petitioner was formally arrested, as at the relevant time, he was lodged in a jail in some other criminal case. The total incarceration period of the petitioner in the present case comes out to be about 6 months and during investigation, no recovery of contraband or any other incriminating article was effected from the petitioner by the police. The main accused Vishal @ Dipu is already given concession of regular bail by this Court vide order Annexure P-2. No doubt, trial is going on but State counsel apprised that till date, prosecution has



given up 5 PWs and examined 2 PWs while other 3 PWs are partly examined out of total 15 PWs. Thus, it will take time for the trial to conclude. The admissibility and veracity of the disclosure statement if any suffered by co-accused against the present petitioner will be tested during trial. Similarly situated co-accused Vishu from whom nothing was recovered, is already acquitted by the Court of Principal Magistrate, Juvenile Justice Board, Ferozepur vide judgment dated 15.07.2024. Copy of the same is available on the record. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

01.04.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**