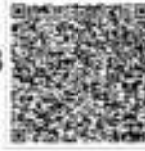


2025:PHHC:039103



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

SR. No.106

CRM-M-15542-2025

Date of decision:21.03.2025

Rohit

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Bhavyadeep Walia, Advocate
for the petitioner.

N.S. SHEKHAWAT, J.

1. Petitioner prays for grant of pre-arrest bail in FIR No.137 dated 29.10.2024 registered under Sections 18/20/21/22 of the NDPS Act at Police Station Division No.4, District Patiala.
2. Learned counsel for the petitioner contends that the petitioner was not even known to the co-accused, namely, Bhupinder Singh and Rupinder Singh and he has been falsely involved in the present case. He further contends that a raid was conducted by the police on 30.04.2024 at the house of co-accused Bhupinder Singh and it was highly unbelievable that the petitioner had managed to escape from the place of recovery. Learned counsel further submits that in fact the petitioner was an addict and was never involved in the smuggling of narcotic substances. He next contends that since the petitioner had no connection at all with the co-accused, his custodial interrogation may not be required in the peculiar facts of the case in hand.

3. On the other hand, learned State counsel submits that the present petitioner is a smuggler, who is involved in several cases. Learned counsel further submits that the petitioner has been convicted in two cases under the NDPS Act, i.e. FIR No.24 dated 07.03.2022 registered under Sections 21/27 of NDPS Act at Police Station Sadar Patiala and FIR No.6 dated 06.01.2021 registered under Sections 21/29 of NDPS Act at Police Station Lahori Gate, Patiala. Apart from that, the petitioner is also facing trial in two more cases under the provisions of NDPS Act, i.e. FIR No.83 dated 11.06.2023 under Section 22 of the NDPS Act and FIR No.24 dated 01.03.2025 under Sections 21/22/29/61/85 registered at Police Station Lahori Gate, Patiala. Learned State counsel next submits that even in the present case, the police had raided the house of Bhupinder Singh, co-accused after making all preparations, who was arrested at the spot and 200 tablets of alprazolam were recovered from Bhupinder Singh. However, the present petitioner managed to escape from the place of recovery and is not entitled to the concession of anticipatory bail. Learned State counsel also submits that 4.44 grams of smack was recovered from co-accused Rupinder Singh.

4. I have heard the learned counsel for the parties and perused the case file.

5. At this stage, as per the case set up by the prosecution, the present petitioner had ran away from the spot at the time, when co-accused Bhupinder Singh was arrested by the police. Now, the custodial interrogation of the petitioner may be required to know the source of supplying the contraband and the involvement of the other co-accused. Further, Hon'ble the Supreme Court has repeatedly held that the concession of anticipatory

bail should not be allowed to the accused, who are repeat offenders. In the present case, the petitioner is already involved in four cases under the NDPS Act and thus, this Court does not deem it appropriate to grant the concession of anticipatory bail to the petitioner.

6. In view of the above-said facts and circumstances of the case as noted above, the present petition is dismissed.

21.03.2025
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO