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

**CRM-M-16450-2025 (O&M)
Date of decision: 26.03.2025**

Dharaminder Masih @ Tinda

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.B.S. Randhawa, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.168 dated 04.12.2024 under Sections 21(c), 29 & 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Sections 10, 11, 12 of Aircraft Act, 1934, registered at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

2. Succinctly, the facts of the case are that on 04.12.2024, Inspector

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Amarjeet Masih along with other police officials was on patrolling duty in the area of Village Thathere Ke, falling within the jurisdiction of Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur, where DC(G) of Border Security Force, namely Parshant Chauhan along with other BSF personnel was present. They received a secret information that Markas Masih and Micheal Masih had taken hog house on lease and they, in conspiracy with 4-5 young man, who stayed in the pig farm, ordered heroin from Pakistan through drones and one Prabhjot Singh, who is owner of hog house, helps them. Thereafter, a raid was conducted at the designated place and recovery of 4.20 kgs of heroin was effected.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is having clean antecedents and he has been falsely entangled in the FIR (*supra*). Admittedly, no recovery has been effected from the conscious and exclusive possession of the petitioner and he has been nominated as accused on the basis of disclosure statement suffered by co-accused during his custodial interrogation, which has no evidentiary value in the eyes of law, as the same would be hit by Section 25 of Indian Evidence Act, 1872 (*now Section 23(1)(2) of Bharatiya Sakshya Adhiniyam, 2023*).

4. *Per contra*, learned State counsel appears on advance notice and opposes the prayer for grant of anticipatory bail to the petitioner on the ground that huge quantity of heroin weighing 4.20 kgs sent from Pakistan through

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drone has been recovered in the present case from hog farm, by the jurisdictional police authorities with the help of Border Security Force personnel and co-accused was arrested at the spot, who disclosed that he had come to take delivery of the consignment on the asking of the petitioner.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is dealing in supplying alleged contraband. Further, the drug trafficking is a heinous offence, which has disastrous social ramifications. As such, to unearth the supply chain and the *modus operandi* of the petitioner, his custodial interrogation is imperative.

6. Keeping in view the facts and circumstances of the case, without commenting anything further on merits of the case, lest it may prejudice the rights of either of the parties, this Court finds no ground to grant the concession of anticipatory bail to the petitioner.

7. Accordingly, the present petition is dismissed.

[HARPREET SINGH BRAR]
JUDGE

26.03.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No