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

**CRM-M-20028-2025 (O&M)
Date of decision: 09.04.2025**

Dharamjeet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. K.S. Sidhu, Advocate and
Mr. Abhaysher Singh, Advocate
for the petitioner.

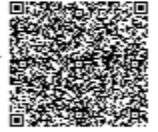
Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.34 dated 06.03.2025 under Section 18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 29 of NDPS Act (added later on vide report No.34 dated 06.03.2025), registered at Police Station Sadar Faridkot, District Faridkot.

2. Brief facts of the case are that on 06.03.2025, ASI Angrej Singh along with other police officials was present at link road connecting Village

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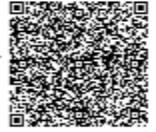


Bhana and Village Pacca and at about 12.01 p.m., a young person was seen coming on feet, carrying a khakhi coloured bag in his right hand. On seeing the police party, he became perplexed and tried to flee, however, on the basis of suspicion, he was apprehended. Upon inquiry, he disclosed his name as Gurtirath Singh @ Babbu. After completing the requisite formalities prescribed under the provisions of NDPS Act, his personal search was conducted and 02 kgs 560 grams of opium was recovered from his possession. Thereafter, on the basis of disclosure statement made by co-accused Gurtirath Singh @ Babbu, vide rapat No.34 dated 06.03.2025, the petitioner has been nominated in the FIR (*supra*) with the aid of Section 29 of NDPS Act. Hence, the present petition.

3. Learned counsel for the petitioner, *inter alia*, contends that admittedly, the alleged contraband has been recovered from the conscious and exclusive possession of co-accused. The petitioner was not named in the FIR (*supra*) and he has been implicated in the present case merely on the basis of disclosure statement made by co-accused while he was in police custody, which has no evidentiary value in the eyes of law, as the same is 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 opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner is habitual offender and he is already facing trial in two more cases registered under

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Section 18 of NDPS Act. In the present case, the contraband recovered from co-accused falls within the ambit of commercial quantity. As such, custodial interrogation of the petitioner is imperative to ascertain the source of opium.

5. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

6. Keeping in view the facts and circumstances of the case and considering the antecedents of the petitioner, 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 of concession of anticipatory bail to the petitioner.

7. Accordingly, present petition is dismissed.

[HARPREET SINGH BRAR]
JUDGE

09.04.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No