



110

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

**CRM-M-20044-2025 (O&M)
Date of decision: 09.04.2025**

Himanshu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Sekhon, 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.22 dated 01.03.2025 under Sections 22/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 29 of NDPS Act (added later on), registered at Police Station City Morinda, District Rupnagar.

2. Succinctly, the facts of the case are that on 01.03.2025, SI Rajinder Kumar along with other police officials reached the house of co-accused Rohit Mattu @ Navi at about 03.40 p.m. There, Rohit Mattu @ Navi was present along with Gurpreet Singh @ Gopi, who is a drug addict. After

2025:PHHC:049153



disclosing his identity, SI Rajinder Kumar told accused Rohit Mattu @ Navi to search his house, as he has strong belief regarding presence of intoxicant tablets inside his house. The accused were apprised of their legal right with regard to conducting the search in presence of a Gazetted Officer or a Magistrate, upon which, they reposed confidence in him and their consent was reduced into writing, which was duly signed by the witnesses and the aforesaid accused persons. Thereafter, recovery of 63 strips of LOMOTIL tablets, each strip containing 60 tablets, total 3780 intoxicant tablets, having batch No.03L2061, manufacturing 9/2022, expiry 3/2025, was effected from the bed installed in the bedroom of accused Rohit Mattu @ Navi. After completing all the formalities prescribed under NDPS Act, a *ruqa* was sent to the police station through Constable Pritpal Singh No.902/R for registration of FIR. Hence, the FIR (*supra*).

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is a young boy of 19 years of age and he has been falsely implicated in the present case. Admittedly, the alleged contraband has been recovered from the conscious and exclusive possession of co-accused. The petitioner has been nominated as accused only on the basis of disclosure statement made by co-accused during his custodial interrogation, 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 huge quantity of alleged contraband has been recovered in the present case, which falls within the ambit of commercial quantity. The petitioner is habitual offender and is involved in one more case under NDPS Act. As such, custodial interrogation of the petitioner is imperative for taking the investigation to its logical conclusion. It is yet to be ascertained, from whom such huge quantity of illicit drug has been procured.

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, this Court finds no ground to grant the concession of anticipatory bail to him. Accordingly, present petition is dismissed.

7. However, nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned trial Court shall decide the case on its own merits without being prejudiced by the observations of this Court.

[HARPREET SINGH BRAR]
JUDGE

09.04.2025

vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No