



107

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

**CRM-M-21195-2025 (O&M)
Date of decision: 24.04.2025**

Paramvir Singh @ Marshal

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kunal Choksi, 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.32 dated 02.03.2025 under Sections 22 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Sarabha Nagar, District Ludhiana.

2. Succinctly, the facts of the case are that on 02.03.2025, ASI Raj Pal Singh along with other police officials was present at Sua Road leading from Village Ayali towards Barewal Road, Ludhiana and he saw a person with hair cut coming on feet and on seeing the police party, he became perplexed

2025:PHHC:052296



and turned back and threw a polythene envelope black coloured from the left pocket of his pent, on the side of road. On the basis of suspicion, he was apprehended and upon inquiry, he disclosed his name as Honey Kumar. After completing the requisite formalities prescribed under the provisions of NDPS Act, 13 strips each containing 15 tablets having salt Alprazolam IP 0.5 mg were recovered from his conscious possession. Thereafter, said accused Honey Kumar made a disclosure statement on 04.03.2025 to the effect that he used to bring the intoxicant tablets from the petitioner and co-accused Harvinder Singh @ Gogi and on the basis of same, the petitioner has been nominated in the FIR (*supra*). Hence, the present petition.

3. Learned counsel for the petitioner, *inter alia*, contends that admittedly, 195 intoxicant tablets have been recovered from the conscious and exclusive possession of one Honey Kumar. The petitioner is not named in the FIR (*supra*) and he has been nominated as accused only on the basis of disclosure statement made by co-accused Honey Kumar 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*). Apart from aforesaid disclosure statement, there is no legally admissible evidence against the petitioner. Further, the alleged contraband recovered from co-accused does not fall within the ambit of commercial quantity.

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 involved in three more cases under the provisions of NDPS Act. As such, custodial interrogation of the petitioner is required to conduct proper investigation.

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 habitual offender and is involved in three more FIRs registered under NDPS Act. The investigation is at the initial stage and to unearth the supply chain and *modus operandi* of the petitioner, custodial interrogation of the petitioner is imperative.

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 him the concession of anticipatory bail. 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

24.04.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No