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

**CRM-M-23444-2025 (O&M)
Date of decision: 02.05.2025**

Nitin Aggarwal

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

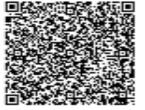
Present: Ms. Honey Passi, Advocate for the petitioner.

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.70 dated 11.04.2025 under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 223 of the Bharatiya Nyaya Sanhita, 2023 (Section 29 of NDPS Act was added later on), registered at Police Station Canal Colony, Bathinda, District Bathinda.

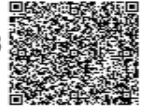
2. Succinctly, the facts of the case are that on 11.04.2025, ASI Raghvir Singh along with other police officials was present at Parasram Nagar Chowk, Bathinda in connection of patrolling duty. When the police party reached near Bayabad Railway Quarters, Gopal Nagar, at about 05.15 p.m.,



they saw two young persons sitting on the corner of an unoccupied railway quarter and they were carrying a white coloured plastic bag and a transparent polythene. On seeing the police party, they became perplexed and tried to run away, however, on the basis of suspicion, the police party apprehended them. Since the mouths of white coloured plastic bag and transparent polythene were open, intoxicant capsules/tablets were clearly visible. Upon inquiry, they disclosed their names as Amit Mittal @ Happy and Shinderpal Singh @ Sanju. After completing all the requisite formalities prescribed under the provisions of NDPS Act, 3000 tablets of Clovedol 100 SR were recovered. Thereafter, on the basis of disclosure statement made by co-accused Amit Mittal @ Happy, the petitioner has been nominated in the FIR (*supra*). Hence, the present petition seeking anticipatory bail.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is not named in the FIR (*supra*) and admittedly, the alleged contraband was recovered from the conscious and exclusive possession of co-accused Amit Mittal @ Happy, on whose disclosure statement made during his custodial interrogation, the petitioner has been nominated as accused in the present case. Such disclosure statement 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*). As such, the petitioner is entitled to anticipatory bail.

4. On the other hand, learned State counsel opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner is



supplier of the alleged contraband and he is involved in two more cases, out of which one FIR is registered under the NDPS Act. In the present FIR, recovery of 3000 intoxicant tablets has been effected.

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 two more cases/FIRs, out of which, one case is registered under the provisions of NDPS Act. The investigation is at the initial stage and custodial interrogation of the petitioner is imperative to unearth the supply chain as well as his *modus operandi* and also to take the investigation to its logical conclusion.

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

02.05.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No