

Date of decision: 11.08.2025

....Petitioner

...Respondent

Mr. Satvir Singh Mander, AAG, Punjab.

SUBHAS MEHLA, J (Oral):

1. Petitioner has filed present petition under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR no.44, dated 16.05.2025 under Section 15(c) of NDPS, Act 1985 registered at Police Station Kabarwala, District Shri Muktsar Sahib (Annexure P-1).
2. Learned counsel for the petitioner submits that he has been falsely implicated in this case. The petitioner was not apprehended at the spot and as per the prosecution version that he was seen from a distance of 500 meters by a constable, so it is not improbable that any person can be identified from the distance of 500 meters and prayed for grant of anticipatory bail.
3. Fresh status report filed by learned State counsel is taken on record. Learned State counsel contended that petitioner fled away from the spot leaving his vehicle and on search in the presence of witness, recovery of contraband i.e. 120 k.g. poppy husk, which falls under the commercial quantity. Antecedents of the present petitioner are not clean as he is already involved in other criminal activities. There is sufficient material to connect the accused with the offence of possessing contraband. He is the registered owner of that vehicle and is required for custodial interrogation to track the source of contraband.



4. I have considered the submissions made by learned counsel for the parties.

5. The contraband was recovered from the vehicle of the present petitioner. As per the prosecution, he fled away from the spot and was identified by one police official, posted in that area for the last many years. Therefore, it was easy for him to recognize the petitioner on the spot. As petitioner is required for custodial interrogation to trace out the source of the supply of narcotics, he is not entitled to discretionary relief of anticipatory bail as held by Supreme Court in ***“State represented by the C.B.I. Thomas, JJ. Vs. Anil Sharma crl. A No.811 of 1997(Arising out of SLP (Crl.) No.1127 of 1997) D/d 3.9.1997)”*** relevant whereof reads as under:-

“4. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person know that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders”

6. The grant of anticipatory bail in case is involving narcotic drugs and psychotropic substances (NDPS) is a very serious issue....” (**Anarul SK Vs. The State of West Bengal (SLP. (Crl.) No.(s). 12621/2024)**). The alleged recovery in the present case i.e. 120 k.g. poppy husk falls under the category



of commercial quantity, which attracts the rigours of Section 37 of NDPS Act and it would not be just for the Court to let the petitioner out. There is nothing on record to indicate that petitioner is not guilty of the said offence. The acquisition made against him is prime facie well founded. Granting anticipatory bail in matter of such quantity of narcotics would not only impede the on-going investigation but also send a detrimental message undermining the rule of law.

7. For the foregoing reasons, this Court does not find any substance in the present petition and the same is accordingly dismissed.

(SUBHAS MEHLA)
JUDGE

11.08.2025
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1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No