



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

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CRM-M-41859-2024

Date of decision: 19.03.2025

Lucky Teja

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sachmeet Singh Randhawa, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0011 dated 29.01.2022 under Sections 307, 120-B of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Kalanaur, District Gurdaspur [charged under Section 307, 120-B of the IPC and Sections 27-A, 29, 30 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act')].

2. Learned counsel for the petitioner has submitted that the petitioner has been in custody since 29.01.2022, and the trial has not concluded, with 18 prosecution witnesses yet to be examined. Further, the petitioner has been falsely implicated in the present case and is not even remotely involved in the alleged offence. The only material against the petitioner is the recovery of Rs.2,50,000/- from a car in which he was travelling along with the other co-accused. However, no



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narcotic substance was recovered from the conscious possession of the petitioner. Learned counsel submits that in the aforementioned facts and circumstances, the petitioner deserves to be extended the concession of bail as the possibility of the trial concluding in the near future seems bleak.

3. Per contra, learned State counsel has vehemently opposed the grant of bail to the petitioner, by submitting that the complainant, Head Constable Gian Singh, got recorded a statement on 29.01.2022 to the effect that on the intervening night of 28/29.01.2022, while on duty near the Indo-Pak Border, he observed some persons moving in a suspicious manner. When he called out to them, they opened fire at him, causing him a bullet injury on his left wrist. Despite being injured, Head Constable Gian Singh retaliated. Constable Raju, who was attracted to the spot by the sound of gunfire, also fired at the assailants. However, under the cover of fog, the suspects managed to flee. It has been asserted by the learned counsel for the State that intelligence inputs suggested that certain individuals from the Indian side of the border had reached the Indo-Pak Border to receive contraband/narcotics from Pakistan. Hence, based on a secret tip off, the police set up barricades and intercepted a vehicle bearing registration No.PB-06-AV-1507, in which the petitioner was travelling along with co-accused Harnek Masih, Hardeep Singh, Rajwant Singh and others. A search of the vehicle led to the recovery of Rs.2,50,000/- and 5 mobile phones. It has been further submitted that during the investigation, co-accused Harnek Masih disclosed that on the intervening night of 27/28.01.2022,



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he, along with the petitioner and other co-accused, had procured heroin from a Pakistani smuggler. The transaction involved payments of Rs.1,50,000/- per packet of heroin. The investigation further revealed that on 28.01.2022, while the accused, including the petitioner, were at the international border, an exchange of fire occurred between the Pakistani smugglers and the BSF, including Head Constable Gian Singh. This led to the recovery of a substantial cache of contraband including 54 kgs of heroin, 1.80 kgs of opium and a large quantity of arms and ammunition, resulting in the registration of a separate FIR.

4. Learned State counsel, on instructions, has contended that the petitioner is an active member of a well-organized narcotics syndicate operating across the border. Moreover, another case under the NDPS Act, has been registered against him by the Narcotics Control Bureau, Amritsar.

5. Given the nature and gravity of offence, the huge recovery, and the petitioner's alleged involvement in cross-border drug trafficking, learned counsel for the State has argued that his release on bail would pose a risk of absconding and also the possibility of the petitioner yet again being involved in a case under the NDPS Act.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. *Prima facie*, the allegations against the petitioner and the co-accused are of a serious and grave nature. The recovery of 53 kgs of heroin, far exceeding the 'commercial' quantity threshold under the NDPS Act, along with 1.80 kgs of opium, arms and ammunition, points



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to the involvement of an organized drug syndicate.

8. The presence of a huge amount of drug money, further *prima facie* strengthens the case of the prosecution and has led to the invocation of Section 27A of the NDPS Act, which pertains to financing illicit traffic and harbouring offenders. In the facts and circumstances as enumerated hereinabove, particularly the gravity of the allegations, material collected during the investigation and the alleged involvement of the petitioner in cross-border smuggling, this Court does not deem it fit to extend the concession of regular bail to the petitioner. The instant petition stands dismissed accordingly.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.03.2025

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**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No