

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:122792



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CRM-M-39855-2025 (O&M)
Date of decision:08.09.2025

Amir Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Satnam Singh Gill, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking benefit of anticipatory bail in case arising out of FIR No.67 dated 10.07.2025, registered under Sections 15/29 of the NDPS Act, at Police Station Ghagga, District Patiala.

2. As per allegations, on 10.07.2025, one loaded truck bearing registration No.PB-11-CY-8978 was seen parked on the road leading to Jammu-Katra within the limits of village Ghagga by a police party which was patrolling in the vicinity. When they reached near the said vehicle, one person was found handing over a heavy plastic bag by taking out the same out of the cabin of the truck to another. On seeing the police officials, they were perplexed and dragged the bag back in the cabin. They were

apprehended. The person, who was standing on the ground disclosed his name as Hardeep Singh and the person found present in the cabin of the truck has disclosed his name as Ajay Kumar. On completion of usual formalities, the search of the truck was conducted and two heavy plastic bags were recovered from the cabin. On opening the same, poppy husk was found kept therein. The bags were found to be containing 40 kgs of poppy husk on weighing. They were taken into custody by the police. On checking the papers kept in the truck, the registration certificate of the same was found to be in the name of the petitioner. The above named accused were interrogated and disclosed that the petitioner was owner of the truck and had procured the poppy husk through them. On the basis of their disclosure statements, the petitioner was nominated as an accused. Further disclosure statement of the co-accused revealed that they used to regularly conversing with the petitioner through their mobile phones. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail, which was dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 17.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The truck in question had been sold by him to one Hardeep Singh on 01.08.2024 and an affidavit had also been sworn by the said Hardeep Singh in his favour. He has no concern with the ownership of this truck. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. With these broad submissions, it is urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned State counsel that the petitioner in connivance with the co-accused has procured poppy husk weighing 40 kgs. The disclosure statements of the co-accused show that they had brought contraband at the instance of the petitioner. Call details record of the co-accused has been collected and the same shows that regular calls had been made by both the co-accused to the petitioner. There are serious allegations against the petitioner. For conducting thorough and proper investigation and deeper probe to know about the source of the contraband, the custodial interrogation of the petitioner is must. There is no extraordinary and exceptional circumstance for grant of bail. It is, therefore, urged that the petition does not deserve to be allowed.

5. I have heard rival submissions made by learned counsel for the parties.

6. The petitioner is alleged to be involved in procurement and sale of contraband. Recovery of 40 kgs of poppy husk was effected from the truck which was owned by the petitioner. Learned counsel for the petitioner has shown copy of a special power of attorney, to be executed by the petitioner in favour of one Hardeep Singh to contend that he had sold this vehicle on 01.08.2024 to the above named Hardeep Singh. However, the original registration certificate has been found to be in the name of the present petitioner. For conducting thorough and proper investigation in the matter, custodial interrogation of the petitioner is must. It is well settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of the BNSS. Many useful information can be

disinterred during custodial interrogation. Moreso, it is well settled proposition of law that powers under Section 482 of BNS are to be exercised in exceptional and extraordinary circumstances and no such circumstance has been made out in this case. Accordingly, no ground for extending benefit of pre-arrest bail to the petitioner is made out. Hence, the petition stands dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

08.09.2025*harjeet***(MANISHA BATRA)
JUDGE**

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