



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101+216

CRM-M-46544-2024 (O&M)

Date of decision: 05.02.2025

Jodhbir Singh @ Jodha @ Budh Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Rakhi Sharma, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

CRM-4950-2025

For the reasons mentioned in the application, the same is
allowed and the photographs are taken on record as Annexure A-1.

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1. The petitioner has filed the present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.20 dated 28.03.2024 under Sections 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Sections 10, 11 and 12 of the Aircraft Act, 1934, registered at Police Station Sarai Amanat Khan, District Tarn Taran.

2. Status report by way of affidavit of Kamalmeet Singh, PPS, Deputy Superintendent of Police, Sub-Division Tarn Taran, District Tarn Taran, has been filed in the Court today which is taken on record



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subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. The learned counsel for the petitioner contends that the petitioner's innocence is evident for two primary reasons : first, the petitioner has no previous criminal antecedents, particularly under the NDPS Act; second, the petitioner has been implicated solely in the present case based on a disclosure statement allegedly suffered by co-accused, which holds minimal evidentiary value.

4. Upon initial consideration, this Court issued notice of motion on 18.09.2024 and directed that no coercive steps would be taken against the petitioner until the next date of hearing. However, during the subsequent hearing, learned counsel for the State, on instructions, informed this Court about the involvement of the petitioner in another case under the NDPS Act. The learned counsel for the petitioner feigned ignorance of this fact and prayed for an adjournment to obtain relevant instructions.

5. After receiving instructions, learned counsel for the petitioner acknowledged the involvement of the petitioner in another case under the NDPS Act and stated that she was unaware about the same otherwise, she would be have disclosed it in the present petition. However, she further asserted that the petitioner has been falsely implicated in both the cases; the petitioner had been implicated in the present case as well as in the other case under the NDPS Act based on a disclosure statement suffered by the co-accused. Learned counsel emphasized that on the date of the alleged recovery of the contraband



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i.e. 500 grams of heroin, the petitioner was not present near the scene of crime and rather was out of station. Additionally, it was urged that there is no evidence linking the petitioner to the co-accused from whom 500 grams of heroin was allegedly recovered. Further, items such as motorcycle, two mobile handsets and SIM cards were although recovered from the spot, however, these items were not in any manner connected to the petitioner. A prayer was, therefore, made by the learned counsel for extending the concession of anticipatory bail to the petitioner in the above given scenario.

6. *Per contra*, learned State counsel has strongly opposed the prayer and submissions made by the counsel opposite. It has been submitted on instructions that the present FIR was registered on 28.03.2024, followed by another FIR under the NDPS Act on 21.06.2024, both implicating the petitioner in drug trafficking. In the present case, a huge recovery of 500 grams of heroin was made from the co-accused while in the subsequent FIR 415 grams of heroin was recovered. It has been asserted by the learned State counsel that both quantities are classified as 'commercial' under the NDPS Act. It has also been argued by the learned State counsel that since the recoveries were made from the border areas by the BSF during patrols, there are clear indications of the involvement of the accused, including the petitioner, with cross-border smugglers. Therefore, custodial interrogation of the petitioner is necessary. It has been submitted that the custodial interrogation of the petitioner is heightened from the fact that upon arrest co-accused Dilpreet Singh disclosed that on 27.03.2024, the



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petitioner had sent him the location of Pakistani smugglers from whom the contraband was to be received. However, upon being spotted by the BSF, the accused fled, abandoning the motorcycle and mobile phones, which were subsequently recovered by the BSF.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. After careful consideration of the submissions and the gravity of the allegations, it comes across that there are specific and serious allegations against the petitioner, who is also involved in another case under the NDPS Act wherein also a huge recovery of 415 grams of heroin was made. Prima facie, the petitioner appears to be a habitual offender. Therefore, this Court concurs with the prayer made by the learned State counsel for dismissal of the present petition, as the custodial interrogation of the petitioner is warranted. Accordingly, the instant petition is hereby dismissed.

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.

05.02.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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