



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

105

CRM-M-45608-2025 (O&M)
Date of decision: 21.08.2025

Samar Ziya**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. B. S. Jattana, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 0084 dated 25.07.2025, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Joga, District Mansa.

2. Brief facts of the case relevant for the disposal of the present petition are that on 25.07.2025, co-accused Fateh Singh, Bhupinder Singh @ Suraj, Jobanpreet Singh @ Joban and Gurjeet Singh @ Billa, while coming in a car, were apprehended by a police party and recovery of 2550 intoxicating tablets of Carisoprodol (Carisoma) and 255 vials of Codeine Phosphate and Triprolidine HCL, each containing 100 ML, was effected from them. Upon interrogation of the said co-accused, they disclosed that the recovered contraband was supplied by the present petitioner. On the basis of the same, the petitioner was nominated in this case as an accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail

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before the Court of learned Judge, Special Court, Mansa but the same had been dismissed, vide order dated 14.08.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement made by the above named co-accused, which is not admissible in evidence against him. The petitioner has clean antecedents and is not involved in any other case. He is ready to join the investigation. No recovery is to be effected from him. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel, who has advance notice of the petition and is ready to argue the matter, has submitted that though the petitioner has been nominated in this case on the basis of the disclosure suffered by the co-accused but during the course of investigation, his complicity in commission of subject crime has been duly established. His custodial interrogation is must for proper investigation in the matter as well as for effecting further recovery of contraband, if any. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure made by above named co-accused. Huge recovery of the contraband has been effected from the co-accused. The petitioner is alleged to be the supplier of the recovered contraband. The allegations against him are quite serious. His custodial interrogation is required for proper investigation in the

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matter. Even otherwise, no exceptional or extraordinary circumstance has been made out in favour of the petitioner for grant of anticipatory bail. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, 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 BNSS. Many useful information can be disinterred during custodial interrogation. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out rather his custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

21.08.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No