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

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CRM-M-50778-2024 (O&M)
Date of decision: 24.02.2025

Vikas Harish @ Vicky**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Dinesh Trehan, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 103 dated 13.08.2024, registered under Sections 21(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Dugri, District Police Commissionerate Ludhiana.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 13.08.2024, on the basis of a secret information, co-accused Jasjot Singh @ Jot and Khushmandar Singh @ Mander were apprehended by a police party and recovery of 21000 intoxicant tablets (Alprazolam) along with drug money of Rs. 15,050/- and an electric scooty was effected from them. During the course of investigation, on the disclosure of co-accused Jasjot Singh @ Jot, another recovery of 9000

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intoxicant tablets of the same salt was effected. On the disclosure statements suffered by aforesaid co-accused, Deepak Garg and his mother Savita Garg were also nominated in this case on the allegations that they used to supply intoxicant tablets to said co-accused. Further, on the disclosure of co-accused Jasjot Singh @ Jot, one Sandeep Singh was also nominated as accused and was arrested on 13.08.2024 and recovery of 600 intoxicant tablets was effected from him. On interrogation, co-accused Deepak Garg and Sandeep Singh named one Rahul Hans, who was arrested on 14.08.2024. The disclosure statement of co-accused Rahul Hans was recorded, wherein he named the present petitioner and on the basis of the same, the present petitioner was nominated in this case as an accused. He was arrested on 15.08.2024 and on his disclosure, recovery of 4800 intoxicant tablets of Alprazolam was effected from him. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application for grant of regular bail before the Court of learned Judge, Special Court, Ludhiana but the same had been dismissed, vide order dated 13.09.2024.

3. Learned counsel for the petitioners has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case on the basis of a series of disclosure statements suffered by co-accused, which is not admissible in evidence against the petitioner. He is not involved in any other case under the NDPS Act. Investigation has since been completed and *challan* has been presented. Trial is likely to take time. The petitioner is in custody since

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15.08.2024. No useful purpose would be served by keeping them in custody anymore. Even otherwise, the petitioner is suffering serious ailments like acute pancreatitis, hypertension and high blood pressure. Hence, even on medical grounds, the petitioner deserves to be released on bail. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that though the petitioner has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused but during the course of investigation, his complicity in the subject crime has been duly established. Recovery of 4800 tablets of *Alprazolam* was effected from him, which itself falls within the commercial quantity. It is further submitted that since a commercial quantity of the contraband has been recovered in this case, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. 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 disclosure of above named co-accused and after his arrest; recovery of 4800 tablets of *Alprazolam* was effected from him. Apart from this, more than 30000 intoxicant tablets have been recovered from the co-accused. The allegations against the petitioner are quite serious. He is stated to be member of a gang, which is indulged in sale/purchase of narcotic and psychotropic substances.

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The quantity of the recovered contraband obviously falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner as nothing has been placed on record before this Court so as to believe that he did not commit the subject offence or in case, he is released on bail, he would not commit any such or similar offence. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, 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.

24.02.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No