



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

202

CRM-M No.53376 of 2024

Date of decision: 08.01.2025

DEEPAK KUMAR

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr.Japjit Singh Johal, Advocate for the petitioner.

Ms. Swati Batra, D.A.G., 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 case FIR No. 104 dated 24.09.2024, registered under Sections 22 of the NDPS Act, 1985 (Section 29 of the NDPS Act added later on) at Police Station Haryana, District Hoshiarpur.

2. Vide order dated 08.11.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 08.11.2024, passed by this Court, reads as under:

“Through the instant petition, filed under Section 482 of BNSS, 2023, the petitioner seeks grant of anticipatory bail in case arising out of FIR No. 104 dated 24.09.2024, registered under Sections 22 of the NDPS Act, 1985 (Section 29 of the NDPS Act added later on) at Police Station Haryana, District Hoshiarpur.

Brief facts of the case are that on 24.09.2024, co-accused Jatin Rahela, while coming on a scooter bearing registration number PB-07-



AQ-4391, was apprehended by a police party headed by SI Daljit Singh and recovery of 55 grams of intoxicant powder was effected from him. During the course of investigation, he disclosed that the recovered contraband was supplied to him by the present petitioner. On the basis of this disclosure statement, the petitioner has been nominated in this case as an accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Hoshiarpur but the same had been dismissed, vide order dated 19.10.2024.

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 suffered by the aforesaid co-accused, which is not admissible in evidence. More so, the alleged recovery of the contraband effected from the co-accused does not fall under commercial quantity. The petitioner is shown to be involved in one more case under the NDPS Act but he is on bail in that 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 into custody. It is, therefore, urged that the petition deserves to be allowed.

Status report, filed by the respondent-State, is taken on record. Learned State counsel, in terms of the status report, has opposed the prayer made by the petitioner by arguing that the petitioner was duly named in the disclosure statement suffered by the aforesaid co-accused as supplier of the recovered contraband, which was found to be



Alprazolam, as per FSL report. It is also argued that the criminal antecedents of the petitioner are not clean as he is also involved in one more case under the NDPS Act.

I have heard learned counsel for the parties and have perused the record.

As per the allegations, on 24.09.2024, 55 grams of intoxicant power (Alprazolam) was recovered from the co-accused, on whose disclosure the petitioner has been nominated in this case. The aforesaid quantity of the recovered contraband obviously does not fall within the ambit of commercial quantity. This Court has perused the status report filed by the respondent-State and it is not the claim of the respondent that custodial interrogation of the petitioner is required or any recovery is to be effected from him. So far as the involvement of the petitioner in another case of similar nature is concerned, this Court has also perused the copy of FIR No. 155, which reveals that the contraband allegedly recovered from the petitioner in that case was also of minor quantity, being 07 grams of heroin. Hence, keeping in view the facts aforesaid, this Court is of the opinion that no useful purpose would be served by detaining the petitioner into custody. Accordingly, he is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS, 2023.



List again on 05.12.2024.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 14.11.2024 but one more case of similar nature is pending against him. No recovery is to be effected from him.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 08.11.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

08.01.2025
Jyoti-IV

(MANISHA BATRA)
JUDGE

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