



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-51582 of 2025

Date of Decision: 15.09.2025

Anoop Singh alias Maana Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Ramnish Puri, Advocate
for the petitioner(s).

Surya Partap Singh, J.

1. The allegations against the petitioner, in this FIR No. 181 dated 20.08.2025, Police Station Maqboolpura, District Amritsar, are for the commission of offence punishable under Sections 21(b) and 27-A of the NDPS Act (Section 29 of the NDPS Act was added later on). This is first petition under Section 482 of BNSS for grant of bail to the petitioner.

2. Briefly stating the facts emerging from the record are that the FIR, pertaining to present case, came into being in the backdrop of the fact that on the basis of suspicious movement when the main accused, namely Sajjan was intercepted by a police party headed by ASI Ramesh Kumar, 8 grams of heroin was recovered from his possession. According to prosecution, once the recovery took place, the prescribed procedure with regard to seizure of contraband and arrest of the accused was undertaken, it has been alleged by the prosecution that during custody, when the accused Sajjan was interrogated, he disclosed that the contraband was supplied to

him by the petitioner.

3. Notice of motion.

4. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent, and waives service. The learned State counsel has opted not to file any reply. However, he has orally opposed the present petition.

5. Heard.

6. It has been argued by learned counsel for the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime and that he has been falsely implicated in this case, merely on the basis of procured evidence which is, otherwise, inadmissible in evidence. According to learned counsel for the petitioner, no psychotropic or narcotic substance has been recovered from the possession of the petitioner.

5. In addition to above, learned counsel for the petitioner has also argued that the trial in this case is not likely to be concluded in near future, and that detention of the petitioner in judicial lock-up would not serve any purpose and therefore, the petitioner is entitled for the benefit of bail.

7. *Per contra*, the learned State counsel has argued that the petitioner is an active member of a racket involved in the supply of narcotic substance and that disclosure statement suffered by the co-accused makes it abundantly clear that participation of the petitioner in the commission of crime is an established fact. According to learned State counsel, if released on bail, the petitioner is likely to indulge in similar activities and therefore, he is not entitled for the benefit of bail.

8. The record has been perused carefully.

3. A perusal of the record shows that in the present case, there are certain relevant factors, which are required to be taken into consideration.

Those factors are:-

- i) that the petitioner is being prosecuted merely on the basis of his nomination by his co-accused in his disclosure statement. There is a big question mark on the admissibility of such evidence;
- ii) that the contraband, i.e. narcotic substance recovered from the possession of co-accused is 8 grams, i.e. little above the maximum limit prescribed for a small quantity, which is 5 grams;
- iii) that nothing is left to be recovered from the petitioner;
- iv) the trial of the case is not likely to be concluded in near future; and
- v) that custodial interrogation of the petitioner is not required.

10. In view of the above, the instant petition is hereby accepted. The petitioner is accorded the benefit of anticipatory bail and it is hereby directed that in the event of his arrest, the petitioner shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner will join the investigation as and when called by the Investigating Officer. He shall also abide by the conditions as specified under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Surya Partap Singh)
Judge

September 15, 2025
“DK”

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