



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

CRM-M-55689-2025

Date of decision: 15.10.2025

KASHMIR SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. K.S. Sidhu, Advocate for the petitioner.

Mr. Subhash Godara, Addl. A.G. Punjab.

SUBHAS MEHLA, J. (ORAL)

1. Present petition is filed under Section 482 BNSS, 2023 seeking anticipatory bail to the petitioner in a case bearing FIR No.109 dated 19.05.2025 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act was added later on) registered at Police Station Sadar Ferozepur, District Ferozepur.

2. Learned counsel for the petitioner contended that the petitioner has been falsely involved in the present case; nothing is to be recovered from the petitioner; he has been involved in the present case on the basis of disclosure statement made by co-accused, namely, Sandeep Singh @ Motu which is inadmissible in evidence and he is ready to join the investigation. As such, learned counsel for the petitioner prayed for grant of anticipatory bail to the petitioner.

3. Learned State counsel has filed status report dated 14.10.2025, which is taken on record and opposed the prayer made by the petitioner by submitting that huge quantity i.e. 02 kg and 20 grams of Heroin has been recovered from the co-accused; the petitioner stands nominated in the present



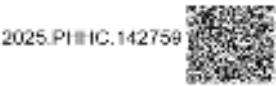
case and he is required for further custodial interrogation i.e. for knowing the source of drugs.

4. Heard.

5. Keeping in view the allegation levelled against the petitioner and the fact that commercial quantity of Heroin has been recovered from co-accused and petitioner was named as supplier of contraband in question and for finding the source of drug, the petitioner is required for custodial interrogation. As such, discretionary relief of anticipatory bail cannot be granted to the petitioner in view of law laid down by the Hon'ble Supreme Court in case titled as '***CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806***' decided on 03.08.1997, wherein it has been held as under:-

"....custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders."

6. Moreover, Hon'ble the Supreme Court in **Anarul SK Vs. The State of West Bengal, SL.P(Crl.) No.12621-2024**, decided on 19.09.2024 has



observed that the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue.

7. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

8. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

October 15, 2025
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(SUBHAS MEHLA)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No