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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-60957-2024
Date of Decision:-09.01.2025

GURJANT SINGH

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Raj Kumar Kaushik, Advocate for the Petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status report by way of affidavit dated 08.01.2025 of Deputy Superintendent of Police, Anti Narcotics Task Force, Bathinda Range, Bathinda, the same is taken on record, copy thereof has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
171	07.11.2024	22 (C), 21(A) of the NDPS Act.	STF, District SAS Nagar, Mohali, Bathinda Range, Bathinda

3. Argument heard.



4. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case by the police. He submits that petitioner was not named in the FIR but has been allegedly nominated on the basis of disclosure statement made by co-accused Kuldeep Singh from whom recovery of contraband containing 2500 tablets of *Tramadol Hydrochloride* and 10 gram of *heroin* was effected. He as such prays for grant of anticipatory bail to the petitioner.

5. On the other hand, learned State counsel referring to the reply submitted by the State has strongly opposed the bail petition of the petitioner by arguing that although the petitioner was not named in the FIR but his name surfaced in the disclosure statement of co-accused Kuldeep Singh and on his disclosure statement petitioner was nominated as one of the accused. He further contended that on the raid being conducted in the house of the petitioner in the presence of independent witnesses, 11200 tablets of *Tramadol Hydrochloride* were recovered from the box bed of the petitioner which were taken into police possession. He submits that custodial interrogation of the petitioner is required, keeping in view the recovery of huge quantity of narcotics and psychotropic tablets from his room which fall within the purview of commercial quantity. Hence prayed for dismissal of the bail petition.

6. After considering the arguments and perusing the record, it transpires that the present FIR was registered against co-accused Sukhraj Singh and Kuldeep Singh consequent upon recovery of 2500 intoxicating tablets of *Tramadol Hydrochloride* and 10 gram of *Heroin* falling within the purview of commercial quantity. Consequently, on the disclosure statement

of Kuddeep Singh, present petitioner has been nominated as one of the accused, and on the raid being conducted in the house of the petitioner in the presence of independent witnesses recovery of 11200 tablets of *Tramadol Hydrochloride* tablets were effected which falls within the purview of commercial quantity. In these circumstances, custodial interrogation of the petitioner is required to to unearth the source where from he had taken such huge quantity of narcotic and psychotropic drug. Therefore, considering the serious nature and gravity of offence, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

09.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |