

222

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-62758-2024
Date of Decision:-13.01.2025

SUNIL KUMAR

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Saurav Kanojia, 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 11.01.2025 of Commissioner of Police, Ludhiana, 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
304	29.06.2023	22 of the NDPS Act and 52-A(1) of the Prisons (Punjab Amendment) Act 2011	Division No.7, District Ludhiana

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 on account of alleged recovery of intoxicant tablets from him while he was confined in Central Jail, Ludhiana, in another case. He contends that the petitioner remained in custody till 20.12.2023, and neither the police arrested the petitioner on 29.06.2023 after registration of the FIR nor any efforts were made by the police, thereafter till December 2023 when the petitioner remained in jail in the other case. He contends that alleged recovery of intoxicants has been planted on the petitioner, 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 the petitioner was lodged in Central Jail Ludhiana and on 29.06.2023 during search of barracks 405 intoxicant tablets along with one mobile phone had been recovered from the conscious possession of the petitioner and as per the FSL report (Annexure R-2) the same is containing salt 'Alprazolam' weighing 60.48 grams. He submits that considering the nature and gravity of offence and to unearth the *source* adopted by the petitioner whereby such huge quantity of intoxicant substance were recovered from the petitioner in jail, custodial interrogation of the petitioner is required. Hence prayed for dismissal of the present petition.

6. After considering the arguments and perusing the record, it transpires that the present FIR was registered against petitioner and co-accused Piyush Arora stating that on 29.06.2023 at about 4.50 pm the Assistant Superintendent, Central Jail, Ludhiana had searched BJU Ward, Barrack No.2 and during search 450 orange coloured pills wrapped in a



transparent envelope alongwith one mobile phone were recovered from the conscious possession of prisoner Sunil Kumar confined in Central Jail Ludhiana in FIR No. 42 dated 11.03.2021 under Section 376, 506, 120-B IPC PS Division No. 2 Ludhiana. FIR was lodged and samples were sent for to RTFSL, Ludhiana and FIR was registered. It is not disputed that the petitioner was lodged in Central Jail Ludhiana in another case and his sentence was suspended. As per the FSL report (Annexure R-2) the recovered intoxicant substance containing salt 'Alprazolam' weighing 60.48 grams. In these circumstances, custodial interrogation of the petitioner is required to unearth the modus operandi adopted by the petitioner whereby such huge quantity of intoxicants were taken inside the jail and also supplier thereof. 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

13.01.2025

Gyan

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