



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

**CRM-M-16375-2026
Date of decision : 01.05.2026**

RAVINDER SINGH @ MITHU

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Jasinder Singh Thind, Advocate
for the petitioner.

Mr. J.S. Thind, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. This petition for pre-arrest bail, is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.0142 dated 20.12.2025, for the commission of offence punishable under Sections 21, 27(a), 29 [Sections 61, 85 added later on] of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Khilchian, District Amritsar Rural.

2. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of ASI Hardial Singh. It was reported by the above-named police officer that on 20.12.2025, when he was leading a team of police officials, deputed for patrolling duty, a reliable source



gave him a tip-off that 'Ravinder Singh Mithu' and a juvenile namely xxxx; were engaged in the trading of Heroin, and that on that day they were size large riding on bike bearing registration No.PB02-EL-0521, and selling 'Heroin' in the area. According to above-named police officer in view of above-mentioned information, he briefed his colleagues, set-up a check point with a barricade on the road and started vehicle checking. It was further reported by the above-named police officer that on the above-mentioned check-point the above-mentined motorcycle was intercepted and the juvenile (xxxx) was detained. As per above-named police officer, on the basis of suspicion when the body search of above-said juvenile was conducted he was found in possession of 400 grams of 'Heroin'.

3. It is the case of the prosecution that pursuant to recovery of above-mentioned contraband, requisite formalities with regard to seizure and sealing of contraband and slapping of FIR were completed, and thereafter, further investigation taken up. As per prosecution during the course of investigation when enquiries were made from the juvenile (xxxx), he suffered a disclosure statement, wherein he disclosed that the contraband was handed over to him by the petitioner, and that the motorcycle mentioned above, too, was registered in the name of petitioner.

4. Heard.

5. It has been contended 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 the present case merely on the basis of a disclosure statement suffered by co-accused. According to learned



counsel for the petitioner in the present case except the disclosure statement of juvenile (co-accused) there is no evidence against the petitioner, and that the above-mentioned disclosure statement is inadmissible in evidence as the same was recorded when the juvenile was in custody.

6. The above-mentioned arguments have been controverted by learned State counsel. The learned State counsel has contended that instant case is not a simple case, wherein merely on the basis of disclosure statement of a co-accused, a person has been implicated in this case. According to learned State counsel the most glaring fact to be taken into consideration, in the present case, is that the petitioner had deputed a juvenile for distribution of contraband in the area and for that purpose he had handed over his motorcycle to the juvenile. It has also been contended by learned State counsel that the petitioner is the first cousin of the above-said juvenile, which shows a close relationship between the juvenile and the petitioner. According to learned State counsel in the present case in order to find out the source from where the contraband was procured by the petitioner, his custodial interrogation is necessary.

7. In addition to above, the learned State counsel has also contended that in the present case the recovery of contraband comes within the ambit of commercial quantity, and therefore, without satisfying the twin conditions prescribed under Section 37 of NDPS Act, the benefit of pre-arrest bail cannot be accorded to the petitioner.

8. The record has been perused carefully.



9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -

- i) that the juvenile, who was found in possession of contraband has close relationship with the petitioner being his cousin;
- ii) that the motorcycle recovered from the possession of juvenile belongs to the petitioner, which shows that the petitioner has a nexus with the commission of crime;
- iii) that the petitioner does not have clean antecedents, as the petitioner is facing prosecution in three other cases under NDPS Act;
- iv) that the gravity of offence pertaining to the present case, wherein the recovery of contraband comes within the ambit of commercial quantity, stands magnified in view of the fact that a juvenile was allegedly involved in the distribution of contraband.

10. It is pertinent to mention here that the petitioner has approached this Court for the concession of anticipatory bail, and it is settled principle of law that the above-mentioned concession is a discretion to be exercised by the Court in a judicious manner. With regard to circumstances in which the above-mentioned discretion should be exercised, the guidelines have been prescribed by Hon'ble Supreme Court of India in various judicial pronouncements. In this regard in the case of 'Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282', has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.



11. The Hon'ble Supreme Court in the abovementioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

12. Similarly, in the case of 'Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024', the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

13. In the case of 'Gurbaksh Singh Sibbia etc. v. State of Punjab 1980 SCC (2) 565', the Hon'ble Supreme Court of India held that:-

- (i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (ii) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (iii) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received



from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

14. In the present case one of the important factor to be taken into consideration is that right of custodial interrogation is a valuable right of the Investigating Agency and the present case is one of such peculiar cases wherein custodial interrogation of the petitioner is of paramount importance.

15. Taking into consideration the above-mentioned settled principles of law and the factual matrix of the present case, in my opinion in the present case no such circumstance exist which permit the exercise of extraordinary jurisdiction to protect the petitioner from being arrest. Thus, it is hereby observed that the present petition is devoid of merit and deserves dismissal. The same is hereby **dismissed**, accordingly.

(SURYA PARTAP SINGH)
JUDGE

01.05.2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No