



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

CRM-M-23379-2026

Date of decision: 28.04.2026

VIKASH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG Punjab.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.48 dated 05.03.2026 registered under Sections 21-C, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Anti Narcotic Force, District ANTF Wing (SAS Nagar), Punjab.

2. Brief facts as per the prosecution case are that on 05.03.2026 police party was on a patrolling duty got a secret information that the petitioner and other two co-accused persons namely Akash Kumar @ Akash and Varinder Kumar @ Billa are indulged in the business of Heroin. Accordingly, the petitioner and other two co-accused persons were apprehended. During investigation, on the basis of disclosure statement suffered by co-accused Varinder Kumar @ Billa, 2.816 Kgs of Heroin was recovered from the house of the petitioner.



3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner was neither present at the spot nor he has any concern with the said incident. He further contends that the petitioner has been nominated as an accused only on the basis that the recovery has been effected from his house. He further submits that the petitioner had gone to his hometown and the premises were used by co-accused, who are his neighbours. No recovery is to be effected from the petitioner. Petitioner has clean antecedents as he is not involved in any other case. Learned counsel for the petitioner further submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by learned Judge, Special Court, Amritsar, vide order dated 01.04.2026.

5. Notice of motion.

6. Learned State counsel who has appeared on advance notice, has opposed the prayer for grant of anticipatory bail, by submitting that the allegations levelled against the petitioner are serious in nature. He argued that commercial quantity of *Heroin* has been recovered from the house of the petitioner. He further argued that custodial interrogation of the petitioner is required to enquire about his role and to bust the drug nexus. Hence, he prays for dismissal of the petition.

7. Heard.



8. In the present case, the allegations against the petitioner are serious in nature. As per the prosecution, the recovered contraband i.e. *Heroin* falls under commercial quantity and has been recovered from the house of the petitioner. The present petitioner is also alleged to be member of drug nexus and in order to crack the same his custodial interrogation is required. This Court cannot lose sight of the fact that the country has been grappling with a grave and pervasive drug menace, which has had devastating effects on the social fabric, particularly the youth. Offences under the NDPS Act are, therefore, required to be dealt with a firm hand

9. Considering the gravity of the allegations, the custodial interrogation of the petitioner is required for fair and effective investigation in the matter.

10. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '*State Vs. Anil Sharma*', (1997) 7 SCC 187, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information 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 offences would not conduct themselves as offenders."

11. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.

12. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

28.04.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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