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

**CRM-M No.65113 of 2025
Date of Decision: 04.02.2026**

Mangi Lal Bishnoi**..... Petitioner**

Versus

State of Punjab**..... Respondent****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.136, dated 30.11.2024, under Sections 15/22/29 of NDPS Act, 1985, registered at Police Station Khuian Sarwar, District Fazilka, Punjab.
2. Succinctly the facts of the case are that the police party, while on patrolling on 30.11.2024, received a secret information to the effect that Mangi Lal (petitioner) brings intoxicant tablets and Poppy Husk from Rajasthan and selling the same in Punjab. It was informed that he was coming from Rajasthan on his truck bearing registration No.RJ-19-GB-8879 and in case of barricading, he could be apprehended along with the contraband. On receiving the secret information, the barricading was laid. In the meantime, a truck, as disclosed in the secret information



was seen coming from the side of Ganganagar. However, on suspicion, the same was stopped. On asking, driver of the truck disclosed his name to be Mangi Lal. He was suspected to be carrying some contraband in the truck and thus, the search of the truck was conducted. On conducting the search of the truck, 8 cartons and 3 gatta/bags were recovered, and, on conducting the search of the same, 1,71,500 intoxicant tablets of Tramadol Hydrochloride and 14 Kgs of Poppy Husk were recovered. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. The samples taken were sent to the FSL. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Judge, Special Court, Fazilka praying for the grant of anticipatory bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Fazilka declined the bail application filed by the petitioner vide order dated 14.10.2025. Hence, being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that the alleged recovery has been effected in the present case from the public place, however no independent witness has been joined. He has submitted that there is a violation of mandatory provisions of Section 42 of NDPS Act. He has further submitted that



there is a violation of mandatory provisions of Section 50 of NDPS Act as well in conducting the search. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that no prima facie case as alleged is made out against the petitioner and thus, she deserves to be granted anticipatory bail.

4. Learned counsel for the State, however, has opposed the submissions made by learned counsel for the petitioner. She has submitted that there was a specific secret information received regarding the petitioner. She has submitted that on due compliance of provisions of NDPS Act, the recovery of 1,71,500 intoxicant tablets of Tramadol Hydrochloride and 14 Kgs of Poppy Husk was effected from the petitioner, which is commercial in nature and thus, the provisions of Section 37 of NDPS Act are attracted. She has further submitted that the petitioner is involved in two more cases, i.e. FIR No.152, dated 25.07.2010, under Section 283 IPC, at Police Station Osian and FIR No.156, dated 28.08.2010, under Section 283 IPC, at Police Station Osian. She has submitted that the petitioner is the registered owner of the offending truck and invoice/bill No.317, dated 29.11.2024 of Shree Ram Cattle Feeds, Osian, Jodhpur, Rajasthan in respect of cattle feed loaded in the offending truck was recovered from the dashboard of the truck, in which the name of driver, Mangi Lal Bishnoi, i.e. the petitioner was written and Builty no.201, dated 29.11.2024 of New Baba Ramdev Roadlines, Jodhpur was also found in the name of Chintpurni Oil Mills, Punjab, in which also the name of driver as Mangi Lal Bishnoi was



written. She has thus submitted that the investigation is at the initial stage and keeping in view the facts and circumstances of the case, the petitioner does not deserve the concession of anticipatory bail and the present petition deserves to be dismissed.

5. The Court has heard learned counsel for the parties and perused the record with their able assistance.

6. It is transpired that FIR in the present case has been registered on the basis of secret information and the name of petitioner was specifically mentioned in the same. The alleged recovery in the present case is of 1,71,500 intoxicant tablets of Tramadol Hydrochloride and 14 Kgs of Poppy Husk, which is commercial in nature. As submitted before this Court by learned counsel for the State, the petitioner is involved in two more cases. The petitioner is the registered owner of the offending truck and invoice/bill No.317, dated 29.11.2024 of Shree Ram Cattle Feeds, Osian, Jodhpur, Rajasthan in respect of cattle feed loaded in the offending truck was recovered from the dashboard of the truck, in which the name of driver, Mangi lal Bishnoi, i.e. the petitioner was written and Builty No.201, dated 29.11.2024 of New Baba Ramdev Roadlines, Jodhpur was also found in the name of Chintpurni Oil Mills, Punjab, in which also the name of driver as Mangi Lal Bishnoi was written. Needless to say that the investigation is at threshold.

7. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

8. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

- “31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested,*



a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the



acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

9. The Hon'ble Supreme Court in ***State Vs. Anil Sharma***, (1997) 7SCC 187, held as under:-

“6. *We find force in the submission of the CBI that 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 a 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 offences would not conduct themselves as offenders.”*

10. Hon'ble Supreme Court in State by ***the Inspector of Police vs. B. Ramu***, 2024(1) Law Herald (SC) has held as under:-

11. *‘In case of recovery of such a huge quantity of narcotic substance, the Courts should be slow in granting even*



regular bail to the accused what to talk of anticipatory bail more so when the accused is alleged to be having criminal antecedents.'

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. Needless to say, in the facts and circumstances, the investigation is at threshold and custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

04.02.2026

rittu Whether speaking/reasoned : Yes/No
 Whether reportable : Yes/No