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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CRM-M No.71515 of 2025  
Date of decision: 04.02.2026

Akash @ Laddo ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Shiv Kumar Sharma, Advocate,  
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,  
for the respondent-State.

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MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in the FIR mentioned below:-

| FIR No. | Dated      | Police Station                              | Sections                                                                                              |
|---------|------------|---------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 219     | 22.09.2025 | City Jagraon,<br>District Ludhiana<br>Rural | 21, 25 and 29 of Narcotic<br>Drugs and Psychotropic<br>Substances Act, 1985 (for<br>short 'NDPS Act') |

2. As per the allegations, on 22.09.2025, on receipt of a secret information to the effect that the accused Mohan Lal @ Mohani @ Lalu

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was involved in the business of sale of heroin and on that day also, he was present inside sugar mill colony, Jagraon with contraband and was waiting to supply the same to some customers, a raiding party was formed which reached at the informed place and apprehended the accused Mohan Lal. On conducting his search, 20 grams of heroin was recovered from his conscious possession which was taken into custody. The above named accused was formally arrested. On interrogation, he suffered disclosure statement to the effect that the recovered contraband had been purchased by him from the petitioner @Rs.1800/- per gram, on that very day. The petitioner was nominated as additional accused. Offence under Section 29 of NDPS Act was added. Apprehending his arrest, the petitioner filed an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 21.11.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was neither present at the spot nor he was named in the FIR. No material has been collected to establish his link with the co-accused or with the recovery. He has been implicated only to armtwist him. He is ready to join investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that he

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deserves to be extended benefit of pre arrest bail.

4. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that the allegations against the petitioner are serious in nature. He is a habitual offender since as many as four cases of similar nature are already pending against him. There are chances of his committing similar offences or absconding, if extended benefit of bail. His custodial interrogation is required for conducting thorough and proper investigation in the matter. No exceptional circumstance for grant of pre arrest bail is made out. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have supplied non commercial quantity of contraband to the co-accused from whom it was recovered. He is involved in four other cases of similar nature. The contention that he may indulge in similar cases again, if extended benefit of pre arrest bail, cannot be stated to be unfounded at this stage. The case is at its nascent stage. More so, for the purpose of conducting proper and effective investigation in the matter and to ascertain the trail as to the source of the contraband, the custodial interrogation of the petitioner is must. It is well settled proposition of law that powers for grant of pre arrest bail must be exercised in exceptional and sparing circumstances.

No such circumstance, however, appears to have been made out in this

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case. Rather taking into consideration the antecedents of the petitioner, this Court is of the considered opinion that he must be subjected to custodial interrogation. In case, the same is denied to the investigation agency, that shall leave many glaring loopholes and gaps, adversely affecting the investigation. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

04.02.2026  
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(MANISHA BATRA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |