



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(104)

CRM-M-73038-2025(O&M)

DATE OF DECISION: 22.01.2026

Ajay

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Atinderpal Singh, Advocate, for the petitioner.
Mr.Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.352 dated 08.11.2025, under Section 21-B and 29 of NDPS Act, registered at Police Station Islamabad, District Police Commissionerate, Amritsar.
2. Learned counsel for the petitioner contended that present petitioner was involved in this case on the basis of disclosure statement and except the disclosure statement, there is no incriminating evidence against petitioner; 6 gms of heroin was received from co-accused, which falls under intermediate quantity and hence, does not attract the bar under Section 37 of NDPS Act; petitioner is willing to join investigation, hence, prayed for grant of concession of anticipatory bail.
3. In pursuance of advance notice, Mr.Anup Singh, AAG, Punjab, appeared and submitted that the petitioner has been nominated in disclosure statement of co-accused as the supplier of contraband; since nowadays criminal refrain from using phones or other devices to avoid being caught, hence, no phone was recovered from co-accused apprehended, and due to

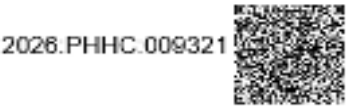


the same, investigating agency is still in the process of collecting evidence. Present petitioner is a habitual offender and three other cases of similar nature i.e under NDPS Act are pending against him. Petitioner is required for custodial interrogation to know about the source of contraband as well as drug money. Hence, prayer for dismissal of the present petition has been made.

4. Heard.

5. Keeping in view the contention of learned counsel for the parties and circumstances of the present case that petitioner is involved in three other cases of similar nature i.e of NDPS Act and is required for custodial interrogation to know about the source of money as well as drugs, anticipatory bail cannot be granted to the petitioner in view of law laid down by the Hon'ble Supreme Court in case titled as '**CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806' decided on 03.08.1997**, wherein it has been held as under:-

"....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 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 would not conduct themselves as offenders.”

6. Honble Apex Court in *Anarul S.K. Vs. The State of West Bengal (SLP (Crl.) No.12621-2024* has observed that the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue. (In NDPS cases)

7. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

8. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

22.01.2026
mamta

(SUBHAS MEHLA)
JUDGE

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