

2025:PHHC:105990



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

207

CRM-M-28674-2025 (O&M)

Date of decision: 18.08.2025

Hasmat Ali**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Rakesh Kumar, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No. 90 dated 06.04.2025, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Kapurthala, District Kapurthala.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 06.04.2025, co-accused Haider Ali was apprehended by a police party headed by ASI Sukhwinder Singh and recovery of 120 intoxicating tablets was effected from him. On the basis of the disclosure statement suffered by the said co-accused, the petitioner was also nominated as accused in this case. Apprehending his arrest, the petitioner had filed an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Kapurthala but the same had been dismissed, vide order dated 23.04.2025.

2025:PHHC:105990



3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case on account of some previous grudge with police officials. The petitioner was neither named in the FIR nor was found at the spot. He has been nominated in this case only on the basis of disclosure statement of co-accused Haider Ali, which cannot be considered to be admissible in evidence. Even otherwise, the quantity of the recovered contraband does not fall under commercial quantity. The petitioner is ready to join the investigation. No recovery is to be effected from him. No useful purpose would be served by detaining him into custody. Pendency/registration of other cases against him cannot be made a ground to deny him concession of pre-arrest bail. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has already been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused Haider Ali, who was apprehended by the police party on 06.04.2025 and from whom the alleged contraband was recovered. There is nothing on record at this stage to connect the petitioner with the subject crime except the said disclosure statement. The quantity of the recovered contraband is stated to be non-commercial. Although the

2025:PHHC:105990



petitioner is shown to be involved in some other case but that alone cannot be made a ground to deny him the benefit of pre-arrest bail in the given circumstances. It is a question of debate as to whether the petitioner was involved in commission of subject crime or not? In view thereof, I am of the considered opinion that the custodial interrogation of the petitioner is not required. Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the compliance of conditions envisaged under Section 482(2) of BNSS. He is directed to appear before the Investigating/Arresting Officer to join investigation within a period of ten days from today or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on bail subject to his/her satisfaction.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

18.08.2025

Waseem Ansari(MANISHA BATRA)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*