

**CRM-M-35828-2025**

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****208****CRM-M-35828-2025****Date of decision : 12.08.2025**

Satnam Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Aajeshwer Singh Grewal, Advocate for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J. (Oral)

1. This is a petition for anticipatory bail filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') in a case arising out of FIR No.99 dated 10.06.2025 registered under Sections 15(b), 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the 'NDPS Act', Police Station Dialpura, District Bathinda.

2. The present petition has been filed on the ground that the case pertains to recovery of small quantity of narcotics/psychotropic substance and that the petitioner, who has been implicated in view of the disclosure statement, suffered by co-accused, was not present on the spot at the time of recovery. It has also been alleged that the petitioner was never in conscious possession of the contraband.

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3. In nutshell, the allegations, as projected by the prosecution in the FIR, are that on 10.06.2025, when a police party headed by ASI Kuldeep Singh was on patrolling duty, spotted a lady carrying a yellow colour plastic sack (bori) on her head. According to the prosecution on the basis of suspicion the usual formalities for search of the bag were completed and when the contents of bag/sack were searched, it was found that the abovesaid bag was containing 2 kg of poppy husk. With regard to involvement of the petitioner it is the case of the prosecution that when cognizance against the abovesaid lady was taken, and she was interrogated, she implicated the petitioner in the present case.

4. Heard.

5. It has been argued by learned counsel for the petitioner that the recovery of contraband falls within the ambit of small quantity, and that nothing has been recovered from the possession of petitioner and he has been simply implicated on the basis of disclosure statement of his co-accused. According to learned counsel for the petitioner, the petitioner has no criminal antecedents, and that he has been cooperative with the Investigating Agency and would cooperate in future also.

6. While seeking the benefit of anticipatory bail, learned counsel for the petitioner has referred to the observations made by the Hon'ble Supreme Court in Special Leave to Appeal (Crl) No.1266 of 2023 titled as '**Vijay Singh Vs. State of Haryana**'.

7. While controverting the abovesaid arguments, learned State Counsel has referred to the principle of law laid down by the Hon'ble

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Supreme Court of India in case titled as '**State of Haryana Vs. Samarth Kumar**', reported in 2022 LiveLaw (SC) 622.

8. It has been argued by the learned State Counsel that the allegations against the petitioner are quite specific and that his custodial interrogation is required. It has also been argued by learned State Counsel that merely because nothing has been recovered from the possession of the petitioner, he is not entitled for the benefit of anticipatory bail. In this regard, reliance has been placed on the observations made by the Hon'ble Supreme Court in Samarth Kumar's case (supra).

9. Heard.

10. I have perused the record carefully.

11. In my opinion, for the decision of present bail application, following are the relevant factors which need to be taken into consideration:

- (a) that the recovery from the co-accused namely Sukhjeet Kaur @Jeeta is of small quantity of contraband;
- (b) that the petitioner was not present on the spot at the time of recovery;
- (c) that nothing has been recovered from the possession of petitioner;
- (d) that the disclosure statement on the basis of which the petitioner has been implicated, was recorded by the police when the co-accused namely Sukhjeet Kaur @Jeeta was in police custody. Thus, the abovementioned statement is inadmissible in evidence.

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12. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, the petitioner is found to be entitled for the benefit of anticipatory bail.

13. Accordingly, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds in the sum of Rs.50,000/- to the satisfaction of the arresting Officer. However, the abovementioned bail is subject to the condition that the petitioner will cooperate with the investigating agency with regard to the investigation of this case and he shall also abide by all terms and conditions as specified under Section 482(3) of the BNSS.

14. It is however 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.

(SURYA PARTAP SINGH)
JUDGE

AUGUST 12, 2025

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No