**209**

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

**CRM-M-43857-2026 (O&M)**
**Date of Decision: 10.09.2026**

**KUSHAL KUMAR**

**..... PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**.....RESPONDENT**

**CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present: Mr. Rahul Jaswal, Advocate and
Ms. Kudrat Sareen, Advocate
for the petitioner.

Mr. Akash Yadav, AAG, Punjab.

**SHALINI SINGH NAGPAL J.**

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1. Vide this petition under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023, petitioner seeks anticipatory bail in FIR No.115 dated 08.07.2026, under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act, Police Station Rahon, District Shaheed Bhagat Singh Nagar. This is the first petition for anticipatory bail.

2. It is alleged that on 08.07.2026, when police party headed by HC Harpreet Singh was patrolling in the area of Village Chokkran, Jagjot Singh @ Jota son of Gurmit Singh was found in conscious possession of 51.02 grams of heroin.

3. Learned counsel for the petitioner submits that petitioner was not named in the FIR. Recovery of non-commercial quantity of contraband was effected from possession of Jagjot Singh @ Jota. Petitioner was involved in the offence on the basis of alleged disclosure statement of Jagjot Singh @ Jota which was not admissible against the petitioner, in view of settled principles of law. Therefore, petitioner deserved to be enlarged on anticipatory bail.

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4. Learned State counsel opposes the prayer for anticipatory bail on the ground that petitioner was a habitual offender, involved in 3 other cases under the NDPS Act. In one case, vide FIR No.94 dated 07.08.2024 under Sections 21 NDPS Act, Police Station Rahon, he had been convicted on 02.02.2026. He further submits that motorcycle used by co-accused Jagjot Singh @ Jota at the time of commission of offence belonged to petitioner's maternal uncle and was given to him by the petitioner. Custodial interrogation of the petitioner was required to ascertain the sources of the contraband and to ascertain the supply link chain. He thus, prays for dismissal of the petition.

5. In paragraph No.5 of the petition, petitioner has disclosed the particulars of the FIRs registered against him but has withheld the material fact that he is a previous convict in FIR No.94 dated 07.08.2024 under Sections 21 NDPS Act, Police Station Rahon. Considering the antecedents of the petitioner who is a previous convict, involved in 3 other case under the Narcotic Drugs and Psychotropic Substances Act, requirement of the investigating agency to interrogate him regarding source of the contraband and involvement of others in the trade, it would not be proper, at this stage, to enlarge the petitioner on anticipatory bail and to thwart statutory investigational powers of the police.

6. The petition for anticipatory bail is accordingly, dismissed.

7. Nothing observed hereinabove shall be taken as expression of opinion on merits of the case.

8. Pending miscellaneous applications, if any, stand disposed of.

**(SHALINI SINGH NAGPAL)**
**JUDGE**

**10.09.2026**
Sumit Singla

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

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