

PUNJAB AND HARYANA HIGH COURT

SINGLE BENCH

(Before : Manisha Batra, J.)

LOVEPREET SINGH

Vs.

STATE OF PUNJAB

Criminal Miscellaneous (M) No 29500 of 2026

Decided on : 24-07-2026

Narcotic Drugs and Psychotropic Substances Act, 1985 — Sections 21-C, 27, 29 — Anticipatory bail — Refusal of — Petitioner, driving vehicle used as taxi on date of recovery of heroin from co-accused, alleged to have joined in delivering contraband — Held, custodial interrogation necessary to determine extent of involvement and manner of commission of offence — Person under comparative safety of anticipatory bail unlikely to make full disclosure; denial of custodial interrogation would create investigative gaps — No exceptional circumstance shown warranting pre-arrest bail — Petition dismissed without expression of opinion on merits. [Para 7]

JUDGMENT

Manisha Batra, J.-The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 222 dated 22.08.2025 registered under Sections 21-C and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act') (Section 27 of NDPS Act was added later on) at Police Station ANTF, District SAS Nagar(Mohali), Punjab.

2. As per the allegations, on 22.07.2025, a secret information was received to the effect that accused Prabh and Angrej, along with one more person, were engaged in the business of selling drugs and on that very day, they were present near Kahapur Flyover in a vehicle while carrying a huge quantity of contraband and could be apprehended. Believing the secret information to be true, a raiding party was formed, which reached at the informed place and found an Ertiga car bearing registration No. PB-01-E-9560 standing there. Two persons were seen standing outside the car, whereas one person was sitting on the driver's seat. On seeing the police party, two of them managed to escape, whereas one person was apprehended, who disclosed his name as Prabhjot Singh @ Prabh. On interrogation, he disclosed that the person standing outside the car with him was Angrej Singh and that he was unaware of the particulars of the driver of

the said vehicle. On conducting the search, 1 kg and 4 grams of heroin was recovered from the conscious possession of accused Prabhjot Singh @ Prabh. On further disclosure, Prabhjot Singh disclosed the name of the driver as Rajender Singh @ Ballu, who was nominated as such.

3. During the course of investigation, the Ertiga car was taken into possession by the police. Its driver Dinesh Kumar recorded his statement that he used the vehicle as a taxi and Rajender Singh @ Ballu had been hired by him as a driver for the purpose of the same. He further disclosed that on 22.07.2025, Rajender Singh had informed him that some passenger was taken from Rayya to Jalandhar but since his wife was unwell, it was his brother, i.e. the present petitioner, who would drive the taxi. Accordingly, the petitioner took the vehicle from Dinesh Kumar. He further disclosed that, after completing the ride, the petitioner had left the vehicle at his house on the same afternoon and that he had no knowledge that the petitioner was indulging in the business of selling contraband. The petitioner was nominated as an additional accused, whereas his brother, Rajinder Singh @ Ballu was found to be innocent. Subsequently, accused Angrej Singh was also arrested. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which was dismissed by the Court of the learned Additional Sessions Judge, Jalandhar, vide order dated 12.05.2026.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in the present case. No specific role has been attributed to him. He was simply driving the Ertiga vehicle, which was being used as a taxi and had been hired by the co-accused for the purpose of going to Hisar. He had no knowledge that the co-accused were in possession of any contraband. His antecedents are clean. He is ready to join the investigation. His custodial interrogation is not at all required. He was not even named in the FIR. It is, therefore, argued that the present petition deserves to be allowed.

5. Per contra, learned State counsel while relying upon the status report, has submitted that there are serious allegations against the petitioner. His custodial interrogation is required for the purpose of conducting thorough investigation in the matter. No exceptional or extra ordinary circumstance for grant of pre-arrest bail is made out. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner along with the co-accused, is alleged to have been carrying contraband in the Ertiga car, which was being driven by him on the fateful day. It has come on record that he was not the owner or the regular driver of the vehicle in question, which was being plied as a taxi. However, on the fateful day, he was driving the same. He is alleged to have joined the co-accused for the purpose of delivering heroin in the vehicle driven by him. For the purpose of eliciting information as to the extent of his involvement and the manner in which the subject offence was committed, the custodial interrogation of the petitioner is must. Even otherwise, the petitioner has failed to make out any exceptional or extraordinary circumstance for grant of pre-arrest bail to him. It is well settled that anticipatory bail to an accused can be granted in exceptional circumstances only as a person couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge. In case custodial

interrogation of the petitioner is denied to the Investigating Agency, that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation. In view of the above discussed facts and circumstances, this Court is not inclined to grant concession of pre-arrest bail to the petitioner. Accordingly, the petition is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.