

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

**Crl. Misc. No. M-11961 of 2015
Date of decision : 23.04.2015**

Satish Kumar

..... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Shubhankar Baweja, Advocate
for petitioner.**

Mr. S.S. Pannu, DAG Haryana.

ANITA CHAUDHRY, J.

The petitioner is seeking anticipatory bail in FIR No. 198 dated 21.03.2015, registered at Police Station City Thanesar, District Kurukshetra, under Section 18 of the Narcotic Drugs and Psychotropic Substances Act (for short, the Act)

Heard.

Counsel for the petitioner urges that the police on the basis of secret information had apprehended two persons on 21.03.2015 and recovery had been effected and the police now wants to arrest the petitioner as he has been named by one of the person who was apprehended at the spot. He urges that the accused arrested in the FIR had suffered a statement that opium was to be delivered to Ram of Jhansa and the police is now threatening to arrest him and the name of the petitioner is Satish and he has nothing to do with the accused who have been arrested. It was urged that anticipatory bail can be allowed even in the case registered under Section 27-

A of the Act. Reliance has been placed on a decision of this Court in **Ranjodh Singh @ Navjot Singh Vs. State of Punjab, Crl. Misc. No.M-17999 of 2013, decided on 07.08.2013.**

Application has been opposed by the State and it has been urged that the allegations against the petitioner are that he was financing the illicit trafficking of narcotic substance. He further states that the police had recovered opium from Gopal and Mahender Singh and during interrogation it was revealed by them that they had brought opium from Madhya Pradesh on being contacted by a person named Ram of Jhansa who offered to transfer money as cost of the opium in their account and since they did not have a bank account, they gave number of their friend, Rajesh and a sum of Rs.20,000/- was transferred in the account of Rajesh Gahlawat and the remaining amount was to be paid on their arrival. It was urged that the amount was withdrawn by the accused who were apprehended and they came to know that Satish Kumar was Ram and custodial interrogation is necessary and there is a bar under Section 37 of the Act even for regular bail. The State counsel further submits that they had checked the call record and it was found that 80 calls were exchanged between the co-accused and the petitioner and they have been able to link them.

Responding to the arguments, learned counsel for the petitioner states that in Ranjodh Singh's case (supra) this Court had granted anticipatory bail and there is no such bar especially when there is no material which connects the petitioner with the offence.

Section 27-A of the Act provides punishment for illicit trafficking directly or indirectly which is punishable with imprisonment which shall not be less than 10 years or which may extend to 20 years along with fine. The petitioner is accused of financing and illegally trafficking opium. His name was disclosed by co-accused and the police have found that the accused and the petitioner were in touch. There was also a transfer of money in the

account provided by the accused. It cannot be said that there is no material to connect him with the offence. No case for grant of discretionary relief of anticipatory bail is made out. The petition is dismissed.

April 23, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE