

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

CRM-M No.25389 of 2015

Date of decision: August 03, 2015.

Lillu Ram

... **Petitioner**

v.

State of Haryana

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Shri M.S. Kathuria, Advocate for the petitioner.

Darshan Singh, J. (Oral):

The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter mentioned as the Code) for grant of anticipatory bail to petitioner Lillu Ram in case FIR No.168 dated 10.5.2015, Police Station Bhattu Kalan, District Fatehabad under Sections 18/29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter called the NDPS Act).

Learned Counsel for the petitioner contended that the name of the petitioner does not figure in the FIR. He has simply been involved being the brother of main accused Gouri Shankar from whom the recovery of opium has been effected. He contended that the petitioner is an agriculturist and is not running Rawat Plaza Hotel in Hamirgarh, District Bhilwara, Rajasthan. The police has not made any effort to trace out any such hotel, alleged to have been disclosed by co-accused Hazari Lal alias Chhotu. He contended that the petitioner is ready to join the investigation.

I have duly considered the aforesaid contentions.

As per the prosecution allegations, 700 grams opium has been recovered on 10.5.2015 from co-accused Gouri Shankar. He has disclosed that he obtained the said opium from co-accused Chhotu. Chhotu has further disclosed that the said opium was supplied to him by present applicant Lillu as he was working as a servant in Hotel Rawat Plaza, Hamirgarh, belonging to the petitioner. He has further disclosed that on 9.5.2015, the petitioner gave him the packet containing opium and asked him to deliver the said packet to his brother Gouri Shankar at Railway Station, Hisar. Accordingly, on 10.5.2015, he reached Railway Station, Hisar and made the delivery. So, there are specific allegations against the petitioner in the disclosure statement of the co-accused that the opium recovered from Gouri Shankar was supplied by the present petitioner. Consequently, the petitioner has not been made to make out the exceptional case to claim the extra-ordinary privilege of anticipatory bail. Moreover, his custodial interrogation may be necessary for the logical conclusion of the investigation.

Thus, keeping in view my aforesaid discussion, the present petition has no merit and the same is hereby dismissed.

August 03, 2015.
kadyan

[Darshan Singh]
Judge