

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

CRM-M-42062-2014

Date of decision: 13.3.2015

Farman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Ravinder Bangar, Advocate for the petitioner

Ms.Mahima, Assistant Advocate General, Haryana

SNEH PRASHAR, J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.278 dated 8.11.2014, registered under Section 21(B) of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Parao Ambala Cantt, District Ambala.

It is submitted by the counsel for the petitioner that petitioner is not named in the FIR. He has been falsely implicated in the present case on the disclosure statement made by main accused Hifzur Rehman, who has already been enlarged on regular bail by the learned trial Court. No recovery is to be effected from the petitioner.

Mr.Ravinder Banger, Advocate for the petitioner and Ms.Mahima, Assistant Advocate General, Haryana have been heard.

Undoubtedly no recovery was effected from the petitioner, but during investigation, Hifzur Rehman, from whom the intoxicants were recovered disclosed that the intoxicants were handed over to him by the petitioner. The recovery falls in the category of commercial. Consequently, in view of section 37 of the NDPS Act, the petitioner is not entitled to anticipatory bail.

Accordingly, the present petition is dismissed.

13.3.2015
gsv

(SNEH PRASHAR)
JUDGE