

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

CRM-M No.36257 of 2016.

Date of Decision: 20.10.2016.

Mukesh Kumar @ Jony

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Amit Chaudhary, Advocate for the petitioner.

Mr. Karan Sharma, Assistant Advocate General, Haryana.

SNEH PRASHAR, J.

The petitioner is wanted in case First Information Report No.206 dated 13.09.2016 under Section 21(C) of the Narcotic Drugs Psychotropic Substances Act and Section 18(C) of the Drugs and Cosmetic Act at Police Station Jakhal, District Fatehabad. Apprehending his arrest, he has moved the instant petition for being given the benefit of anticipatory bail.

The submissions made by Mr. Amit Chaudhary, learned counsel representing the petitioner and Mr. Karan Sharma, learned Assistant Advocate General, Haryana have been heard.

It was submitted on behalf of the petitioner that he has been implicated in the instant case merely on the basis of a disclosure statement suffered by one Rohtash from whom 85 bottles of Corex weighing 100 ml. each cough syrup and 1100 tablets of Carisome were recovered and he was

arrested by the police. It was allegedly stated by Rohtash that he had purchased the contraband from the petitioner. Any such statement made by Rohtash in police custody was hit by the provisions of Section 27 of the Indian Evidence Act and could not be used as evidence against the petitioner.

On the other hand, learned State counsel submitted that during investigation it has surfaced that the petitioner was the source from whom co-accused Rohtash had purchased 85 bottles of Corex cough syrup recovered from him. It being so, further investigation into the matter by way of custodial interrogation of the petitioner is necessary.

The recovery of 85 bottles of Corex cough syrup weighing 100 ml. each amounts to 8500 ml. of the narcotic drug which falls under commercial quantity. When the source from which the narcotic drug had been procured has come to light, further investigation into the matter is very necessary. Drug addition among the youth is increasing to the extent that it is shattering not just their life but the society at large. Such people, who indulge in the sale-purchase of the narcotic drugs, have to be dealt with a strong hand. Indeed, the facts and circumstances reveal that custodial interrogation of the petitioner is necessary and accordingly his petition for anticipatory bail is dismissed.

(SNEH PRASHAR)
JUDGE

20.10.2016
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Whether speaking/ reasoned : Yes

Whether Reportable : No