

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

CRM-M No.38047 of 2016.

Date of Decision: 10.11.2016.

Suresh Kumar

....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.222 dated 08.10.2016 under Section 15/61/85 of the Narcotic Drugs Psychotropic Substances Act registered at Police Station Jakhal, District Fatehabad. Apprehending his arrest, he has moved the instant petition for being given the benefit of anticipatory bail.

The accusation against the petitioner is that on 08.10.2016 when the police party headed by Sub Inspector Ramesh was on patrol duty and was going towards village Sidhani, he (petitioner) carrying a bag in his right hand was noticed coming from the opposite side and seeing the police party ahead, he left the bag and ran away. Checking of the plastic bag revealed that it contained poppy husk. Two samples of 100 grams each were taken out and the remaining on weighing came out to be 4 Kgs.

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 the story presented by the police is false. The petitioner was not arrested at the spot and the poppy husk alleged to have been recovered is of non commercial quantity. As such, the petitioner be given the benefit of anticipatory bail.

Prima facie it is the allegation of the prosecution that the petitioner was identified by the Sub Inspector and his official companions when he threw the bag containing poppy husk and ran away from the spot. He was specifically named as the accused in the First Information Report lodged by the Sub Inspector. Considering the said facts and circumstances and without going into the merits of the case and there being no ground for release of the petitioner on anticipatory bail, his petition is dismissed.

(SNEH PRASHAR)
JUDGE

10.11.2016
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Whether speaking/ reasoned : Yes

Whether Reportable : No