

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 105

CRM-M-19033-2017

Decided on : 25.05.2017

Ashok Kumar

..... Petitioner(s)

VERSUS

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.P.K.Ganga, Advocate, for the petitioner(s).

DEEPAK SIBAL, J. (ORAL)

Through this petition filed under Section 438 Cr.P.C., the petitioner seeks the concession of anticipatory bail in FIR No.193, dated 10.03.2017, registered under Sections 17, 61 and 85 of the NDPS Act (Section 27-A of the NDPS Act added later on), at Police Station City Sirsa, District Sirsa.

The case of the prosecution is that on 10.03.2017, a police party apprehended co-accused Vijay Kumar, Lakhwinder @ Vijay, Kailash Chand and Ram Naresh while they were travelling in a car. On search of the car which was conducted in the presence of a gazetted officer, 1 kg and 10 gms of opium, wrapped in a poly envelope was found in a plastic lunch box lying on the rear seat. This led to the arrest of the aforesaid four persons. Their interrogation revealed that the petitioner, who belonged to Rajasthan had supplied them with the opium.

Learned counsel for the petitioner contends that the petitioner belongs to the State of Rajasthan which is 500 kms away from the place of occurrence and, therefore he cannot be linked to the afore recovery; the petitioner is a handicapped person; there is no other criminal case against him and that co-accused are on regular bail.

Having considered the submissions of learned counsel for the petitioner, I find no merit in the same. It is inconsequential that the petitioner belongs to the State of Rajasthan and that till date he has no other criminal case against him. He being physically handicapped, also has no bearing.

The petitioner is alleged to have supplied over 1 kg of opium to the co-accused for selling the same to innocent victims/addicts in the State of Punjab. The allegations are grave. Whether the petitioner is supplying narcotics to others and from where he is sourcing the same, need to be deeply probed.

On a query posed, counsel for the petitioner has not been able to convince me as to why the afore-referred four co-accused would falsely implicate the petitioner.

In view of the above, in my opinion, custodial interrogation of the petitioner is warranted.

Dismissed.

25.05.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No