

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

CRM-M-41802 of 2017.

Decided on:-November 22, 2017.

Krishan Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Meenakshi Poswal, Advocate for
Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.0355 dated 07.10.2017 under Section 15 of the N.D.P.S. Act registered at Police Station Bhuna, District Fatehabad.

It is the case of the prosecution that on 07.10.2017, when the police party was on patrolling in Bus Stand Tibbi and was going towards village Tibbi, the petitioner was noticed with a plastic bag on his right shoulder. Noticing the police party, he had thrown the plastic bag on the road and had run in the field. However, when the police party tried to catch hold of him, he succeeded in running away from the spot, taking advantage of the crop. After searching the bag, 8 Kgs. of poppy husk was found in the bag.

Learned counsel for the petitioner has argued that the petitioner was not arrested from the spot and there is no other case pending against him.

On the other hand, learned State counsel, on instructions from ASI Bahal Singh, states that besides the present case, four other cases i.e. FIR Nos.82 and 83 dated 10.06.2010 under Section 18 of the NDPS Act, at Police Station Sadar Sangrur, FIR No.363 dated 10.09.2012 under Section 15 of the NDPS Act at Police Station Ratia and FIR No.189 dated 10.09.2012 under Section 15 of the NDPS Act at Police Station Bhuna are already registered against the petitioner. Thus, the petitioner is involved in number of other cases and not entitled for the relief claimed.

Heard counsel for the parties and noticing the fact that the petitioner is involved in similar other cases, no case for grant of anticipatory bail is made out. The present petition is, accordingly, dismissed.

However, in case it is found that the petitioner is not involved in any other case under the NDPS Act, he shall be at liberty to file a fresh petition seeking anticipatory bail in the present case.

November 22, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No