

Subhash

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Subhash Godara, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of anticipatory bail in case FIR No. 57 dated 17.03.2018, registered under Sections 21(c)/27(a) of NDPS Act, 1985 at Police Station Narnaund, District Hisar.

Learned counsel for the petitioner submits that the petitioner has been named in this case only on the basis of the statement of co-accused from whom allegedly 1 Kg of smack was recovered. The disclosure statement of co-accused is inadmissible in evidence and, therefore, the petitioner deserves the concession of anticipatory bail. Further, there is no allegation of any recovery, to be made from the petitioner and there is no admissible evidence on record which can connect the petitioner with the co-accused.

Having heard, learned counsel for the petitioner, in my opinion this is not a fit case for grant of anticipatory bail. The co-accused has named the petitioner as a person from whom smack was purchased. Thus, the investigating agency deserves to be given an opportunity to investigate the allegations. For this purpose the custodial interrogation of the petitioner is essential. At this stage, I am not inclined to go into the admissibility of the disclosure statement of co-accused. In

case there is no admissible evidence against the petitioner he would be acquitted after the trial.

Thus, the petition is misconceived and is dismissed.

April 23, 2018

reena

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No