

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

202

CRM-M-13867-2020 (O&M)

Date of Order:17.09.2020

Deepak Kumar @ Deepu

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.S.Virk, Advocate,
for the petitioner.
Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

This petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.234 dated 31.03.2020, registered under Section 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Sirsa, District Sirsa.

In a nutshell, the case of the prosecution is that Manu Sharma @ Pandit was apprehended with 7 gram Heroin. During the interrogation, he disclosed to the effect that he had purchased the alleged contraband from the petitioner i.e. Deepak Kumar @ Deepu.

Learned counsel for the petitioner contends that the petitioner is sought to be falsely implicated on the basis of disclosure statement of the co-accused which is not admissible in evidence. He further contends that the personal search has been carried out in the presence of the District Forest Officer, Sirsa, who was not authorised to conduct the search under the Narcotic Drugs and Psychotropic Substances Act, 1985.

Keeping in view the aforesaid contention of learned counsel for the petitioner, Sh. Chetan Sharma, Assistant Advocate General, Haryana, yesterday sought time.

Today, he has forwarded a copy of the order passed by the Deputy Commissioner, Sirsa, dated 18.02.2020, authorizing Gazetted Officer of the various departments to conduct search under the Narcotic Drugs and Psychotropic Substances Act, 1985. He has further pointed out that the petitioner was previously also apprehended with 100.02 grams 'Heroin', resulting in registration of FIR N.879 dated 05.09.2018 under Section 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

This court has considered the submissions.

In order to break the chain of supply of the narcotics, it is necessary to reach at the other end of the chain. For that purpose, the custodial interrogation of the accused is necessary. The petitioner does not have clean antecedents.

With regard to the argument of learned counsel of the petitioner that the District Forest Officer was not authorised to conduct search, the order passed by the Deputy Commissioner, Sirsa, dated 18.02.2020 is categoric. The validity of this order has not been challenged.

Keeping in view the aforesaid facts, there is no ground to grant concession of pre-arrest bail to the petitioner.

Dismissed.

September 17, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No