

CRM-M No.25820 of 2020 (O&M)  
Date of Decision : 03.09.2020

Devender Singh

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present : Mr. Bhavdeep Singh Mamli, Advocate  
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

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**FATEH DEEP SINGH, J (ORAL)**

The petitioner-Devender Singh has sought first anticipatory bail under Section 438 Cr.P.C in case FIR No.0198, dated 15.08.2020, under Section 18 of NDPS Act, 1985, Section 27-A of NDPS Act added later on, registered at Police Station Sadar Ratia, District Fatehabad, Haryana.

The prosecution allegations are that on 15<sup>th</sup> August, 2020, the police apprehended a motor-cyclist and from his possession 537 grams of opium was got recovered. It was on the basis of the disclosure statement of the accused, the name of the petitioner-Devender Singh has cropped up being the supplier of the contraband.

The contentions of learned counsel for the petitioner are that recovery has already been effected from co-accused and veracity of the statement is subject to judicial trial.

Learned State counsel has strongly opposed the bail on the grounds that the petitioner is instrumental in supply of the contraband and his custodial interrogation is essential.

In view of the fact that recovery has already been effected from the co-accused and the very legality and validity of statement of co-accused who has named the petitioner is subject to scrutiny at the trial. No useful purpose would be served by sending the petitioner behind the bars.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

**(FATEH DEEP SINGH)**  
**JUDGE**

03.09.2020  
Manpreet

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |