

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

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CRM-M-34025-2020 (O&M)

Date of decision : 22.12.2020.

Manjeet Kumar @ Manjeet Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.64 dated 10.02.2020 registered under Section 22-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), Police Station Ellenabad, District Sirsa.

Allegations in the FIR are that on 10.02.2020, during patrolling duty by police officials at village Khari Surera, secret information was received regarding concealing of narcotic substances by the petitioner and the co-accused Mohan Lal in a heap of cow-dung at Nayak Mohalla. On the basis of the information, a notice under Section 42 of the NDPS Act was prepared and sent to the DSP (Headquarters) Sirsa for information through Constable Sudesh Kumar. Thereafter, the police party reached the spot. On arrival and on instructions of DSP (Headquarters) Sirsa, a Gazetted Officer Vedpal, BDPO, Ellenabad was called and the cow-dung was dug up. A total of five bags were recovered

from the heap. On opening of the five bags, it led to the recovery of 35600 intoxicating tablets marked RIDLEY PARVORIN SPAS TRAMADOL HYDROCHLORIDE. The total weight of the intoxicating tablets is 17 kgs 774 grams, which falls under the commercial category.

Learned counsel for the petitioner would contend that the moot point in the present case would be that the recovery has not been made from the conscious possession of the petitioner. It is further the contention of the learned counsel that the petitioner has falsely been implicated in the case. Learned counsel for the petitioner has relied upon the case of '*Toofan Singh Vs. State of Tamil Nadu*' *Criminal Appeal No.152 of 2013 decided on 29.10.2020* by the Supreme Court to contend that the only evidence against the petitioner is the disclosure statement of the co-accused which is not admissible as against another accused.

Reply has been filed by way of affidavit of Jagat Singh, Deputy Superintendent of Police, Ellenabad, District Sirsa wherein it has been stated that in addition to the present FIR, the petitioner is also involved in another FIR No.55 of 2020 under Sections 26/61 and 85 of the NDPS Act. Learned counsel for the State has further contended that the co-accused Mohan Lal has since been arrested and he has disclosed in his disclosure statement that the petitioner herein, who is his son, deals in the selling of intoxicants and it is the petitioner who manages to procure the same and then the same are sold by the co-accused Mohan Lal.

I have heard the learned counsel for the parties.

The contention of the learned counsel for the petitioner that the only evidence against the petitioner is the disclosure statement of the co-accused is an argument which cannot be gone into at this stage.

Suffice, it to say that keeping in mind the heavy recovery and the fact that there is another case pending against the petitioner under the NDPS Act, I do not find this to be a fit case to grant anticipatory bail to the petitioner.

Dismissed.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

December 22, 2020
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
 Whether reportable: Yes/No