

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

**CRM-M-35883-2020  
Date of Decision: 17.11.2020**

**CHANDERPAL**

**....Petitioner**

**Versus**

**STATE OF HARYANA**

**...Respondent**

**CORAM: Hon'ble Mr.Justice Deepak Sibal**

Present: Mr.G.S.Kaura, Advocate for the petitioner  
Mr.Kuldeep Tewari, Additional AG Haryana

**Deepak Sibal, J. (Oral)**

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.315, dated 13.10.2020, registered under Sections 15 and 27A of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Bhuna, District Fatehaband.

The case of the prosecution is that on 13.10.2020 the police signaled a car to stop; the occupants of the car on seeing the police party tried to flee but were apprehended; on checking the car two plastic bags were found therein; on suspicion that the bags may contain some intoxicant material occupants of the car namely Ashok Kumar and Kuldip @ Leela were apprised of their legal rights on which they expressed their desire to be searched in the presence of

a gazetted officer; Shri Puran Chand, SEPO, Bhuna was called and in his presence search was conducted which revealed 20 bags of poppy straw in the bags; on the basis of such recovery the FIR in question was lodged and Ashok Kumar and Kuldip @ Leela were arrested whose interrogation revealed that they had purchased the recovered contraband from the petitioner and thus the petitioner has been nominated as an accused.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; no recovery has been effected from the petitioner and that the only evidence against the petitioner is the disclosure statement of the co-accused which is inadmissible in law.

Learned State counsel opposes the grant of bail to the petitioner on the ground that as per the co-accused the recovered contraband was purchased from the petitioner; it needs to be investigated as to from where the petitioner had sourced the same; the petitioner is a habitual offender; he has been convicted earlier in a case under the NDPS Act and presently one case is pending against him under the NDPS Act.

Custodial interrogation of co-accused Ashok Kumar and Kuldip @ Leela have revealed that the recovered contraband was sourced by them from the petitioner. Therefore, custodial interrogation of the petitioner is necessary to find out as to from where the petitioner had sourced the contraband. The investigating agency also needs to interrogate the petitioner with regard to other persons, if any, involved in the crime. The petitioner has earlier been

convicted under the NDPS Act and has another case under the NDPS Act pending against him and by misusing the concession of bail granted to him in either of these two cases he has allegedly committed the crime which is the subject matter of the present FIR.

In view of the above the present petition is found devoid of any merit.

Dismissed.

**17.11.2020**  
*gk*

**(Deepak Sibal)**  
**Judge**

Whether speaking/ reasoned:  
Whether Reportable:

Yes/No  
Yes/No