

Kavita alias Kali

..... Petitioner (s)

Versus

State of Haryana

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Subhash Godara, Advocate
for petitioner.
Mr. Surender Singh, AAG Haryana.

(Through Video Conferencing)

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HARINDER SINGH SIDHU, J.

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 478 dated 25.6.2021 registered under Sections 20 (C) of NDPS Act, 1985 at Police Station Sadar, Hisar.

As per allegations in FIR, one Rekha was apprehended and 505 grams of heroin was recovered from her. The name of petitioner is alleged to have surfaced in the disclosure statement of Rekha who stated that said heroin was supplied to her by petitioner.

Mr. Surender Singh, learned AAG Haryana states that on the day of recovery, 11 phone calls were exchanged between petitioner and co accused Rekha. He further states that petitioner has been involved in 11 criminal cases, of which 8 cases are under NDPS Act. However, she has been acquitted in 8 cases.

Learned counsel for petitioner argues that no reliance can be placed on disclosure statement as initially, consent of co accused Rekha was taken under Section 50 of NDPS Act, 1985 wherein co accused stated that contraband belongs to her. He further argues that co accused is sister in law of petitioner and no adverse inference can be drawn from any communication exchanged between them they being near relative.

In view of commercial recovery of contraband and the fact that on the day of incident, petitioner was in constant communication with co accused Rekha, no ground is made out for anticipatory bail to petitioner.

Dismissed.

(HARINDER SINGH SIDHU)
JUDGE

16.8.2021

sjks