

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35403-2021

Date of decision: - 31.08.2021

Dhiraj Soni

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Neeraj Yadav, Advocate,
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.298 dated 04.07.2021, registered under Section 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Mohindergarh.

Learned counsel for the petitioner submits that no recovery has been done from the petitioner and he has been nominated only on the basis of disclosure statement of co-accused from whom 37 KGs of *Ghanja* was recovered. Learned counsel for the petitioner further submits that as no recovery has been done from the petitioner and the disclosure

statement carries no weight, the petitioner may kindly be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that a commercial quantity of banned substance has been recovered from the co-accused and in their disclosure statements, it has been mentioned by the co-accused that the said contraband actually belonged to the petitioner and was being transported on his instructions. Learned State counsel further submits that the custodial interrogation of the petitioner is necessary to find out the sources from where he got the same and other relevant facts.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Present petition relates to the recovery of commercial quantity of a banned substance. In the disclosure statements, petitioner has been named specifically to be the owner of the banned contraband and also that the same was being transported by the co-accused on his instructions. Nothing has been brought to the notice of this Court, as to why, the co-accused would name the petitioner in their disclosure statements.

Keeping in view the facts and circumstances that interrogation in NDPS case is to be done in a strict manner to unearth the

truth and the allegations alleged against the petitioner are serious that he is the actual owner of the banned contraband in commercial quantity, which has been recovered from co-accused and was being transported as per his instructions, the interrogation of the petitioner is very necessary to find out the source from where he has bought the said banned contraband and from where the same has been transported.

Keeping in view the facts and circumstances of this case and the allegations alleged against the petitioner, no ground is made out to grant the benefit of anticipatory bail.

Dismissed.

August 31, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No