

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

\*\*\*

CRM-M-46221 of 2021

Date of decision: 03.11.2021

Ajay

Petitioner

Versus

State of Haryana

Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Amit Khatkar, Advocate for the petitioner.  
Ms. Dimple Jain, AAG, Haryana.

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**AVNEESH JHINGAN, J (Oral):**

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 477 dated 1.10.2021, under Sections 22(c) and 27A of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'the Act'), registered at Police Station City Tohana.

The brief facts are that the police party on 1.10.2021 apprehended Rajesh Kumar and Naveen Kumar in the area of Police Station City Tohana, while they were coming in an Innova car bearing registration No. HR-31-M-3535. From a plastic bag lying on the rear seat of the car, 7610 Tramadol Hydrochloride tablets and Radol-100 tablets weighing three kilograms and 950 grams were recovered. During investigation, they disclosed that the recovered tablets were supplied by the petitioner.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot, the name of the petitioner came in a disclosure statement which has no evidentiary value, no recovery was made from the petitioner, the petitioner has no criminal antecedents and it is a case of false implication.

Learned counsel for the State appearing on advance notice on instructions opposes the prayer for grant of anticipatory bail. She submits

that source of procuring such large quantity of narcotics needs to be unearthed. It is a case where Section 27A of the Act has been invoked.

The recovery from the co-accused is of heavy quantity which is almost four kilograms. Nothing is forth coming giving a foundation for false implication of the petitioner either by the police or the co-accused. The issue of evidentiary value of the disclosure statement would be subject matter of trial. Considering the facts and circumstances in totality, especially the quantity recovered and the allegations against the petitioner, no ground is made out for grant of anticipatory bail to the petitioner as deeper probe is required to unearth the *modus operandi*.

The petition is dismissed.

**[AVNEESH JHINGAN]**  
**JUDGE**

**3<sup>rd</sup> November, 2021**

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|-------------------------------|---|---------|
| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable         | : | Yes /No |