

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

**CRM-M-9704 of 2022
Decided on: 8th March, 2022**

Vijay Kumar

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S. S. Gill, Advocate for the petitioner.
Mr. Amit Mehta, Senior DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This second petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 42 dated 28.6.2021, under Sections 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act'), registered at Police Station Thulliwal, District Barnala.

The earlier petition for anticipatory bail filed in this Court under Section 438 Cr.P.C. was argued at some length and was withdrawn on realising that the contentions are not finding favour and to avoid adverse order.

The brief facts are that the police party received a secret information that Balwinder Singh @ Happy used to bring intoxicant tablets and sell the same in Districts Sangrur and Barnala. Acting on information car bearing registration No. MH-14GD-3625 was checked, Balwinder Singh was apprehended and 55000 tablets containing tramadol salt were recovered. Balwinder Singh in his disclosure statement stated that Pardeep Singh @ Fauji used to bring tablets from Uttar Pradesh. He further stated

that he along with his brother Vijay Kumar (petitioner) indulged in selling the tablets received from Uttar Pradesh.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot, he was named in a disclosure statement and no recovery is to be made from the petitioner. However, he is not in a position to show change in circumstance after withdrawal of earlier petition.

Learned counsel for the State appearing on advance notice opposes the prayer for grant of anticipatory bail. He submits that the petitioner is involved in four more cases under the Act and was convicted in one case. He further submits that the *modus operandi* needs to be unearthed. Section 29 of the Act has been invoked in the present case and it is a case where intoxicant tablets brought from outside in a pre-planned manner were being sold in the State of Punjab.

There was a heavy recovery from the co-accused. Above 250 grams of tramadol comes within the commercial quantity. The veracity of the disclosure statement would be subject matter of investigation and trial. The allegations are serious, deeper probe is required to unearth the supply chain.

No case is made out for grant of anticipatory bail.

The present petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

8th March, 2022

mk

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