

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

207

**CRM-M-26321-2022
Date of decision: 09.08.2022**

VIJAY @ JG

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Dinesh Maurya, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case bearing FIR No. 179 dated 12.05.2022 registered under Sections 21 and 29 of the Narcotics Drugs and Psychotropic Substances, Act 1985 at Police Station Ellenabad, District Sirsa.

2. Learned counsel appearing on behalf of the petitioner contend that the recovery in the present case was effected from co-accused namely Ajay Kumar and Prahlad to the extent of 5.06 grams and 06.06 grams of Heroin. He contends that the petitioner was nominated as accused on the disclosure statement made by the said co-accused, that the contraband in question had been sourced from the petitioner. He submits that the aforesaid disclosure is admissible qua the petitioner and that the recovery has already been effected from the said co-accused.

3. Learned counsel appearing on behalf of the respondent-

State of Haryana however points out that the petitioner is involved in the drug trade and sold the Heroin Rs. 1500/- per gram and that two other cases stand registered against the petitioner. The details of the said cases are as under:

- (i) *FIR No. 562 dated 24.11.2020 under Sections 21B/27A/61/85 NDPS Act, Police Station, Fatehabad City, which is pending in the Court of Ld. Additional Sessions Judge, Fatehabad and is fixed for 21.09.2022.*
- (ii) *FIR No. 87 dated 17.05.2022 under Sections 8/21/29/61/85 NDPS Act, Police Station Talwara Jheel (Raj.). In this case, the arrest of the petitioner is pending.*

4. It is further argued that custodial interrogation of the petitioner is required to effect any further recovery from the petitioner and also to ascertain the source from where the contraband is brought for onward distribution within the territory of the area.

5. Taking into consideration, the repeated involvement of the petitioner in offences under the NDPS Act, I do not find it is a fit case for extending the concession of pre-arrest bail the petitioner.

The same is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 09, 2022

Vishal sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No