

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

CRM-M-29050 of 2022

Date of Decision: 29th July, 2022

Rinku

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Vijay Sangwan, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 150 dated 9.5.2022, under Section 20 of the Narcotic Drugs & Psychotropic Substances Act, 1985 registered at Police Station City Mohindergarh.

On 11.7.2022, this Court passed the following order:

“This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 150 dated 9.5.2022, under Section 20 of Narcotic Drugs & Psychotropic Substances Act, 1985 registered at Police Station City Mohindergarh, District Mohindergarh.

As per the case set up, on 9.5.2022, Kunti Devi was apprehended at a shop and seven kilograms and four hundred grams of ganja was recovered. She disclosed that the recovered contraband was supplied by Rinku (petitioner).

Learned counsel for the petitioner submits that it is a case of false implication, the petitioner has been involved due to his involvement in earlier case, he was named in a disclosure statement, the recovery from the co-accused is of non-commercial quantity.

Learned counsel for the State appearing on

advance notice opposes the prayer for grant of anticipatory bail. She submits that the petitioner was named as the supplier of the contraband.

Without commenting on the merits of the case, considering the nature of allegations, quantity of the contraband recovered from the co-accused and the petitioner's name surfaced in a disclosure statement, the petitioner is granted interim bail subject to his joining investigation within a week. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

List on 29.7.2022.”

Learned counsel for the State, on instructions from SI-Ravi submits that though the petitioner has joined the investigation, he is not co-operating as he is not disclosing the source of receiving the contraband. She relies upon the decision of the Supreme Court in Court in **State of Haryana v. Samarth Kumar**, Criminal Appeal No. 1005 of 2022, decided on 20.7.2022.

The Act is a self contained statute which specifically deals with menace of drugs. Stringent provisions have been provided for dealing with such cases. The ground that the petitioner was named in a disclosure statement in itself cannot be the sole consideration for grant of pre-arrest bail. He is alleged to be the supplier of the recovered contraband. A deeper probe is required to unearth the *modus operandi* and chain of supply.

The Supreme Court in **Samarth Kumar's case (supra)** has held that advantage of the condition that no recovery is to be effected and that the petitioner has been named in the disclosure statement can be taken at the time of arguing regular bail or in trial. Grant of anticipatory bail in such cases is not warranted.

No ground is made out for grant of anticipatory bail.
The petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

29th July, 2022
mk

Whether reasoned/speaking	Yes
Whether reportable	No