

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

**CRM-M-32565 of 2022  
Date of Decision:- 21.11.2022**

Harjinder Singh

....Petitioner

Vs.

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Mr. J.S. Brar, Advocate  
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

**KARAMJIT SINGH, J.**

Present petition has been filed by the petitioner seeking grant of anticipatory bail in DDR Entry No.35 dated 18.05.2022 under Section 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 in case having FIR No.169 dated 16.05.2022 registered under Sections 22(c)/61/85 of NDPS Act at Police Station Faridkot, District Faridkot.

The counsel for the petitioner submits that the petitioner was not named in the FIR which was registered against co-accused Sukhchain Singh from whom the police is stated to have recovered commercial quantity of medical intoxicants.

The counsel for the petitioner further submits that the petitioner was nominated as accused on the basis of the alleged disclosure made by said Sukhchain Singh to the effect that he procured the said medical intoxicants from the petitioner. The counsel for the petitioner further submits that admissibility and relevance of the said disclosure statement of the co-accused Sukhchain Singh will be examined during trial and that the petitioner who is having no criminal history is ready to join the investigation with the police.

The present petition is opposed by the State counsel who submits that commercial quantity of medical intoxicants containing tramadol hydrochloride were recovered from the possession of co-accused Sukhchain Singh who further disclosed that he purchased the said drugs from the present petitioner. The State counsel further submits that rigors of Section 37 of NDPS Act are applicable in the present case and as such, the petitioner is not entitled to get concession of anticipatory bail.

I have considered the submissions made by counsel for the parties.

As per police, Commercial quantity of medical intoxicants were recovered from the possession of co-accused Sukhchain Singh on 16.05.2022. The petitioner was named as an accused on the basis of disclosure statement of said Sukhchain Singh. The present case being relating to recovery of commercial quantity of contraband from co accused, rigors of Section 37 of the Act are

applicable in the instant case. The petitioner cannot take the advantage of the decision in **Tofan Singh Vs. State of Tamil Nadu (2021)4 SCC 1** while seeking concession of anticipatory bail, however, he can take advantage of the ratio laid down in Tofan's case at the time of seeking regular bail or at the time of final hearing after conclusion of trial as has been held in by *Hon'ble Supreme Court in Criminal Appeal No.1005 of 2022, decided on 20.07.2022, State of Haryana Vs. Samarth Kumar.*

In light of the above, this Court is of the view that the petitioner is not entitled to get the benefit of concession of anticipatory bail.

Consequently, the present petition is hereby dismissed being devoid of merits. However, any observations made hereinabove are not to be considered as expression of opinion on the merits of the case.

**21.11.2022**

*P. Chawla*

**( KARAMJIT SINGH )  
JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No