

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

CRM-M-32340 of 2022

Date of Decision: 27th July, 2022

Nirbhayaram Dhakad

... Petitioner

Versus

The State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Rahul Vats, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN, J.(Oral)

This petition under Section 438 read with Section 482 Cr.P.C. is filed seeking anticipatory bail in FIR No. 298 dated 4.7.2022, under Section 18(B) [Section 27-A of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'the Act') added later on], registered at Police Station City Tohana, District Fatehabad.

The brief facts are that on 4.7.2022, the police party apprehended Satpal Singh @ Sannu and Jagdish while travelling in a car bearing registration No. HR-24S/3109 in the area of Police Station City Tohana. Two kilograms and six hundred grams of Opium was recovered. During interrogation, the co-accused disclosed that the recovered contraband was purchased from Nirbhayaram Dhakad (petitioner). The petitioner was nominated in the FIR.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR, he was not apprehended from the spot, the petitioner was named in a disclosure statement.

Learned counsel for the State appearing on advance notice opposes the prayer for grant of pre-arrest bail. She submits that the petitioner is a habitual offender and is involved in six more FIRs, out of which two are under the Act. She relies upon the judgment of the Supreme

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. The involvement of petitioner in six more cases is an indication of his antecedents.

No ground is made out for grant of anticipatory bail.

The petition is dismissed.

**(AVNEESH JHINGAN)
JUDGE**

27th July, 2022
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Whether reasoned/speaking	Yes
Whether reportable	No