

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

CRM-M-32962 of 2022

Date of Decision: 29th July, 2022

Raja

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Dinesh Nagar, Advocate for the petitioner.
Mr. Amit Mehta, Senior DAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 438 read with Section 482 Cr.P.C. is filed seeking anticipatory bail in FIR No. 36 dated 11.5.2022, under Section 22 (Section 29 was added later on) of the Narcotic Drugs & Psychotropic Substances Act, 1985 registered at Police Station Aur, District SBS Nagar.

As per the case set up, the police party apprehended Sandeep Kumar on 11.5.2022 and 60 intoxicant tablets were recovered. He disclosed that the present petitioner introduced him in the business of intoxicant substances.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot, his name surfaced in the disclosure statement.

Learned counsel for the State appearing on advance notice opposes the prayer for grant of pre-arrest bail. He 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. A deeper probe is required as the allegations, are that petitioner is bringing young persons in narcotic business.

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
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Whether reasoned/speaking	Yes
Whether reportable	No