

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33153 of 2022

Date of Decision: 29th July, 2022

Pirithi Pal Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Dinesh Saini, Advocate for
Mr. K. L. Saini, 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. 178 dated 5.6.2021, under Section 15(3), 27-A and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 and Sections 201 and 120-B IPC, registered at Police Station Sadar Narwana, District Jind.

As per the case set up, on 5.6.2021 the police party acted upon a secret information, checked truck bearing registration No. RJ-14GJ-3077. Pardeep Singh was the driver of the truck and 739 kilograms and 140 grams of poppy husk was recovered. On the basis of chain of disclosure statement Bhola was arrested. He disclosed that he is working as a driver on the tractor of Prithi Pal Singh (petitioner) who introduced him to Pardeep Singh. The petitioner asked Bhola to join business of poppy husk and he would have good income. Thereafter Bhola and Pardeep Singh used to get supply of poppy husk from Pardeep Singh and share the profits. From the recovered contraband sixty kilogram of poppy husk was to be supplied to them.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot, he was named in a disclosure statement made by co-accused Bhola. He further submits that co-accused have been

granted regular bail and anticipatory bail by this court.

Learned counsel for the State appearing on advance notice opposes the prayer for grant of anticipatory bail. She submits that more than 739 kilograms of poppy husk was recovered, chain of supply needs to be un-earthed, a deeper probe is required. 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. 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

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Whether reasoned/speaking

Yes

Whether reportable

No