

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

CRM-M-33739 of 2022

Date of Decision: 2nd August, 2022

Vishal @ Manna

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Kamal Narula, Advocate for the petitioner.
Mr. Amit Mehta, Senior DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 151 dated 13.5.2022, under Sections 21 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'the Act'), registered at Police Station City Ferozepur.

As per the case set up, on 13.5.2022, the police party acting upon a secret information apprehended Sanju and Akashdeep. Two hundred and seventy grams of Heroin was recovered from the accused. The accused named the petitioner as seller of the recovered contraband.

Learned counsel for the petitioner submits that it is a case of false implication, the petitioner was named in a disclosure statement and he was in custody.

Learned counsel for the State opposes the prayer for grant of anticipatory bail. He submits that the petitioner is involved in five more cases under the Act. He relies upon the decision 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**

2nd August, 2022

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |