

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-34717 of 2022

Date of Decision: 6<sup>th</sup> August, 2022

Raju Kumar

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr. S. S. Gill, Advocate for the petitioner.  
Mr. H. S. Multani, AAG, Punjab.

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**AVNEESH JHINGAN , J.(Oral)**

This petition under Section 438 read with Section 482 Cr.P.C. is filed seeking anticipatory bail in FIR No. 117 dated 9.7.2022, under Sections 15 and 25 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'the Act') registered at Police Station Dakha, Ludhiana.

The brief facts are that on 9.7.2022, acting upon a secret information, the police apprehended Mukhtiar Singh @ Babbu. Ten kilograms of poppy husk was recovered from his possession. In his disclosure statement, he named the petitioner as seller of the recovered contraband.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR, his name surfaced in a disclosure statement and recovery from the co-accused is of non-commercial quantity. The submission is that it is a case of false implication as the entire family of the petitioner was implicated in FIR No. 57 dated 13.5.2022, registered at police Station Dhuri, District Sangrur.

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. The recovery of non-commercial quantity from the co-accused *prima facie* does not enhance the case of the petitioner as 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. As to whether it is a case of false implication or not would be subject matter of investigation.

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

6<sup>th</sup> August, 2022  
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| Whether reasoned/speaking | Yes |
| Whether reportable        | No  |