

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

**CRM-M-37410-2022 (O&M)
DECIDED ON: 24th AUGUST, 2022**

KAPIL NAGAR

PETITIONER

VERSUS

STATE OF HARYANA

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The instant petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail in case FIR No. 151, dated 15.05.2022, under Sections 20 and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 registered at Police Station Dhauj, District Faridabad.

The brief facts are that on the basis of secret information on 15.05.2022 Rohit was apprehended along-with his Verna Car bearing registration No. HR-10-AL-9472. On search 52 kilograms and 130 grams of Ganja filled in two plastic bags was allegedly recovered from the diggy of his car.

Learned counsel for the petitioner submits that the petitioner

was not named in the FIR, he was not apprehended from the spot. He further submits that the name of the petitioner was surfaced in the supplementary statement of co-accused Rohit. No recovery is to be effected from him.

Learned counsel for the State appearing on advance notice opposes the prayer for grant of pre-arrest bail. He submits that though the name of the petitioner was surfaced on the basis of disclosure statement given by the co-accused Rohit but the total recovery falls under the category of commercial quantity. 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, to submit that no concession can be granted to the petitioner even if his name did not figure in the FIR and no recovery was effected from him but the name was figured in the disclosure statement of Rohit from whom huge recovery has been effected, which shows that the petitioner is also part of the chain of drug peddler.

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.

Dismissed.

SANDEEP MOUDGIL
JUDGE

24th AUGUST, 2022.
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- 1. Whether speaking/ reasoned : Yes / No
- 2. Whether reportable : Yes / No