

CRM-M-53764-2022

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

Sr. No.104

CRM-M-53764-2022

Date of decision : 21.12.2022

Rani (wrongly mentioned as Ranno Bai)

.....Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Pradeep Sharma, Advocate for the petitioner(s)

Mr.Manipal Singh Atwal, DAG, Punjab

AMAN CHAUDHARY, J.

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.252 dated 28.09.2022, registered under Section 15 (wrongly mentioned as 12), 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Guruharsahai, District Ferozepur.

As per the version of the prosecution, on the basis of the secret information, a police party conducted the raid at the house of the petitioner, in presence of respectables of the village, after serving notice under Section 160 Cr.PC to them. On search conducted of the house, 5 kg. Poppy pods and 3300 intoxicating tablets of Tramadol Hydrochloride were recovered.

Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the present case. The petitioner was not present at the spot at the time of alleged recovery. Nothing is to be

recovered from her. She is ready and willing to join the investigation and cooperate with the investigating agency. Thus, learned counsel prays for grant of anticipatory bail to the petitioner.

On advance notice supplied, learned State counsel appears and opposes the prayer of the petitioner on the ground that the recovery falls under the category of commercial quantity. The petitioner had fled away from the spot before conducting the raid her house by the police party. She is indulging in bringing and selling huge quantities of poppy husk and narcotic tablets from outside, as evident from the perusal of the FIR itself. The investigation in the case is still going on. She, besides the present FIR, and her husband are involved in a number of cases under NDPS Act i.e. FIR No.19 dated 3.2.2021, under Section 15 NDPS Act, FIR No.48 dated 17.3.2022, under Section 15 NDPS Act, FIR No.257 dated 3.10.2022, under Sections 22 and 29 NDPS Act. Her husband is also involved in FIR No.128 dated 12.9.2017, under Section 15 NDPS Act. Custodial interrogation of the petitioner is required in the instant case to find the source of origin and the entire chain of supply of contraband.

Heard.

In the present case, a commercial quantity of contraband has been recovered from the house of the petitioner, from where she is alleged to have fled prior to the raid. She and her husband are involved in a number of cases under the NDPS Act. It is apposite to refer to the order of Hon'ble The Supreme Court of India in the case of **State of Haryana vs. Samarth Kumar**, 2022 LiveLaw (SC) 622, wherein it has been held that to grant

anticipatory bail in cases of this nature under the NDPS Act is not really warranted and as such, the order passed by the High Court was set aside. The allegations against the petitioner call for a deeper probe, to unearth the modus operandi, source of origin, chain of supply and find out the involvement of other persons therein, for which the custodial interrogation of the petitioner is required, so as to also eradicate the menace of drug proliferating. The grant of pre-arrest bail in the present case shall be detrimental to the investigation.

The stringent provisions as contained in the statute, are to deal with the drug menace, plaguing the society, as the youth are being led on a path having deleterious effects, thereby destroying the very social fabric.

Keeping in view the peculiarity of facts and circumstances of the case and the antecedents of the petitioner, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. As a sequel thereto, the present petition being bereft of merit, is hereby dismissed.

21.12.2022

gsv

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No