

**In the High Court for the States of Punjab and Haryana at
Chandigarh**

CRM-M-3552-2023

Date of Decision: April 10, 2023

Daini

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Dhruv Gupta, Advocate,
for the petitioner.

Mr. Ranvir Singh Arya, Addl.A.G., Haryana.

Vivek Puri, J.

Petitioner is seeking anticipatory bail in the case bearing FIR No.6, dated 05.01.2023, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered at Police Station Mahesh Nagar, District Ambala.

Briefly, the FIR has been registered on the allegations that a secret information was received to the effect that Ranjita along with her husband i.e. the petitioner are indulging in illegal trade of selling intoxicant substance i.e. ganja in large quantity and Ranjita co-accused is carrying ganja on a tricycle cart. A nakabandi was raised. Ranjita along with Danvir were apprehended and 31 kg 160 grams of ganja was recovered from their possession.

Learned counsel for the petitioner contends that the petitioner has been nominated on the basis of the disclosure statement of the co-accused and nothing is to be recovered from him.

Learned State counsel has opposed the bail application on the score that the petitioner is the husband of the co-accused Ranjita from whose possession 31 kg 160 grams of ganja has been recovered and the same falls in the category of commercial quantity. The petitioner has been specifically and categorically named in the FIR as secret information was received against him and his wife. As per the disclosure statement of Ranjita, co-accused, the petitioner had been procuring ganja and it is only the petitioner who knows from where he had been purchasing the same. The petitioner is also arraigned as accused in a case bearing FIR No. 169/2018 under Section 20 of the NDPS Act, registered at Police Station Mahesh Nagar, District Ambala and the said case is fixed for prosecution evidence. Furthermore, in view of the decision rendered in *State of Haryana vs. Samarth Kumar, 2022 (3) RCR (Crl.) 991 (Supreme Court)*, the petitioner is not entitled to concession of anticipatory bail.

It may be mentioned here that the recovery has been effected from the co-accused. One of the co-accused is the wife and the other co-accused is the employee of the petitioner. The petitioner has been nominated on the basis of the disclosure statement of the co-accused. As per the disclosure statement of the co-accused, the source from where the petitioner had been procuring the contraband was in his knowledge. The source of the contraband is to be verified from the petitioner. Moreover, the name of the petitioner has been specifically named in the secret

information and the same has been reflected in the FIR. The petitioner is also facing trial in another case under NDPS Act. The quantity of the contraband recovered in the instant case falls in the category of commercial quantity. The matter requires thorough probe and investigation. The drug menace has attained dangerous heights and such offences are required to be thoroughly investigated and the same cannot be viewed lightly. In such circumstances, the petitioner cannot be held entitled to the concession of anticipatory bail merely on the score that he has been nominated on the basis of the disclosure statement of the co-accused.

Keeping in view the entire circumstances and the antecedents of the petitioner, no extra ordinary circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

The present petition is dismissed, accordingly.

April 10, 2023
vk

(Vivek Puri)
Judge

Whether reasonable/speaking	:	Yes/No
Whether reportable	:	Yes/No