

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

**CRM-M-20310-2023  
DECIDED ON: 25.04.2023**

**PADAM SINGH**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. H.S. Randhawa, Advocate  
for the petitioner.

**SANDEEP MOUDGIL, J (ORAL)**

The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.145, dated 16.03.2023, under Section 20 of NDPS Act, registered at Police Station Kharkhoda, District Sonipat, wherein 101 kg 800 grams of ganja is involved.

Learned counsel for the petitioner has placed reliance upon the judgment passed in *Tofan Singh vs. State of Tamil Nadu 2021(4) SCC 1* stressing upon the fact that the petitioner was neither named in the secret information nor any recovery was effected from the spot, but has been nominated as an accused on the basis of disclosure statement.

To the mind of this Court, the judgment rendered in *Tofan Singh vs. State of Tamil Nadu* (supra) is of no consequence, once the said judgment came to be distinguished on a fresh ratio of law laid in a very rapid change of scenario on the NDPS Act in *NCB vs. Mohit Aggarwal, SLP (Criminal) No. 6128-6129 of 2021*, wherein plea of arrest on the basis of disclosure statement

does not come to the rescue in case. There is sufficient material and evidence before the Investigating Agency to connect the accused with the recovered contraband, even subsequent to the registration of FIR and during the course of investigation.

Faced with the situation, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to surrender before the trial Court and in case, he applies for regular bail, the same may be dealt with expeditiously.

Prayer is accepted.

Dismissed as withdrawn with liberty to surrender before the trial Court and to apply for regular bail does always available to the petitioner, hence no specific observation by this Court is required.

However, in any case, if such application is filed, same may be dealt with expeditiously, but strictly adhering to law.

No such observation made hereinabove shall be deemed to have been taken into consideration at this stage before the trial Court, while considering the application for regular bail.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**25.04.2023**

*Meenu*

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |