

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-35037-2022

Date of Decision: *January 19, 2023*

Sahil

... *Petitioner*

Versus

State of Haryana

... *Respondent*

CORAM: **HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Sandeep Saini, Advocate,
for Mr. Davneet Sangwan, Advocate,
for the petitioner.

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

Vivek Puri, J.

The petitioner is seeking anticipatory bail in the case bearing FIR No. 152, dated 01.07.2022, under Section 22-C of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Farakpur, District Yamuna Nagar.

Briefly, the FIR has been registered in pursuance of the recovery of 1400 capsules of Tramadol Hydrochloride from the possession of Manish, co-accused.

Learned counsel for the petitioner contends that the petitioner has been nominated on the basis of the disclosure statement of Manish Kumar, co-accused. It has been further stated that no recovery has been effected from the petitioner.

Learned State counsel has opposed the bail application on the score that the quantity of contraband recovered from the possession of co-accused falls in the category of commercial quantity. The name of the petitioner has emerged in the disclosure statement of Manish Kumar, co-accused and there are call details which indicate the involvement of the petitioner in trafficking of the narcotics.

It has been also argued that in view of Hon'ble Supreme Court's decision rendered in ***State of Haryana vs. Samarth Kumar, 2022(3) R.C.R. (Crl.) 991***, the petitioner is not entitled to the anticipatory bail.

Although the petitioner has been nominated on the basis of the disclosure statement of Manish Kumar, co-accused, but the quantity of the contrabands recovered from the possession of the petitioner falls in the category of commercial quantity. Moreover, the call details are indicative of the fact that the petitioner was communications with Manish Kumar, co-accused. The drug menace has attained the danger height and such like offence cannot be viewed lightly.

Keeping in view the circumstances of the case, the matter requires thorough probe and investigation. No exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

Instant petition is dismissed, accordingly.

January 19, 2023
vk

(Vivek Puri)
Judge

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