

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

CRM-M No.49989 of 2023

Date of decision: 4th October, 2023

Kuldeep Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. V.B. Godara, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.322 dated 14.06.2023 under Sections 15B/27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Fatehabad, District Fatehabad.

2. Learned counsel, inter alia, submits that the petitioner has been falsely implicated in the instant case on the basis of a fabricated disclosure statement allegedly made by co-accused Sunil Kumar and Gurdeep Singh, from whom 10.220 kgs of poppy husk was alleged recovered. It has been submitted that as per the disclosure statement made, the co-accused had purchased 11 kgs of poppy husk from the petitioner. Learned counsel has vehemently asserted that the evidentiary value of such disclosure statements is very weak and clearly points to the petitioner's innocence in the case in hand.

3. I have heard learned counsel and perused the relevant material on record.

4. No doubt, the recovery allegedly effected from co-accused Sunil Kumar and Gurdeep Singh has not been classified as commercial under the Act, however, this Court cannot lose sight of the fact that as per the disclosure statement, it was the petitioner from whom the recovered contraband had been procured, coupled with the fact that the petitioner is involved in a couple of other criminal cases including one under the NDPS Act. Thus, prima facie it is evident that the petitioner has been in the sale of contraband and intoxicants. In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

5. Dismissed.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 4, 2023

rps

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