



the disclosure statement made by co-accused Balvir Kaur. The recovery, if any, was effected from said Balvir Kaur. The petitioner is not known by the name Gugg and it was not believable that Balvir Kaur, who claims that the petitioner was her uncle, did not know his real name. It was further submitted that the police forcibly took co-accused Balvir Kaur from the house of her father in Village Toti and when her family members resisted the illegal arrest of Balvir Kaur, then in commotion, she sustained injuries including fracture after falling from stairs in her father's house. She was not produced before the Magistrate within 24 hours and she remained admitted in hospital for many days. At the hospital, the petitioner, who also belongs to Village Toti, along with the father of Balvir Kaur, argued with the police regarding his false implication in the matter. The petitioner has no criminal antecedents.

Learned counsel for the petitioner has relied upon judgments of Hon'ble Supreme Court in Surinder Kumar Khanna vs. Intelligence Officer, Directorate of Revenue Intelligence reported as AIR 2018 SC 3574, Toofan Singh vs. State of Tamil Nadu reported as (2021) 4 SCC 1 and Sanjeev Chandra Aggarwal and another vs. Union of India reported as 2022 (1) PLR 162.

Learned State counsel, on the other hand, while opposing the prayer made by learned counsel for the petitioner, has submitted that 1100 intoxicant tablets i.e. commercial quantity of drug was recovered from the bag, which was thrown by Balvir Kaur, co-accused. The petitioner is known as Satnam Singh alias Ghug. He fled from the spot. The custodial interrogation of the petitioner is necessary.

To support his case, learned State counsel has also relied upon a judgment of Hon'ble Supreme Court in State of Haryana vs. Samarth Kumar reported as 2022 Live Law (SC) 622.

Heard.

The case was registered on the statement of SI Resham Singh that on 25.08.2022, he along with his police party, was going from Sultanpur Lodhi towards Village Naseeranwal, Ahmadpur Chhanna etc. in connection with patrolling duty and checking of suspected persons. In the meantime, one person and one lady were seen coming on motorcycle without number. On seeing the police party, the lady sitting on the motorcycle threw away one heavy bag (*lifafa*) of black colour carried by her in her hands. In the meantime, the motorcycle fell down and the motorcyclist fled away from the spot. The lady was apprehended, who disclosed her name as Balvir Kaur @ Beero and from the bag, which she had thrown, 1100 intoxicant tablets were recovered. Later, she made a disclosure statement that she along with her uncle i.e. the petitioner was searching to sell these 1100 intoxicant tablets. Thereafter, offence under Section 29 of the Act was added in the FIR.

In the case of Sanjeev Chandra Aggarwal (*supra*), no narcotic drugs or psychotropic substances were recovered from the premises of two appellants, which is not the case of the petitioner. So, this judgment is of no help to the petitioner. On the contrary, the present case would squarely fall within the four corners of the judgment of the Hon'ble Supreme Court in Samarth Kumar's case (*supra*). The custodial interrogation of the petitioner is necessary so as to complete the chain of supply and also to find

out the persons who are involved in the drug trade.

Keeping in view the above said facts and totality of circumstances and also in view of the law laid down in the afore-said judgments, I find no merit in the present petition filed for grant of anticipatory bail.

Dismissed.

Nothing stated herein above shall be construed as an expression of opinion on the merits of the case.

January 05, 2023  
*monika*

(GURBIR SINGH)  
JUDGE

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