

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.206

Case No. : CRM-M-58247-2022

Date of Decision : February 28, 2023

Neeraj .... Petitioner

vs.

State of Haryana .... Respondent

**CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.**

\* \* \*

Present : Mr. Inderjeet Singh, Advocate  
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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**GURBIR SINGH, J. :**

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in a case bearing FIR No.464 dated 21.10.2022, under Sections 22-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

It is the case of the prosecution that co-accused Gaurav Saini was apprehended carrying five boxes of Capsules Proxywel Spas each containing Paracetamol, Dicyclomine Hydrochloride and Tramadol Hydrochloride. The total number of capsules came out to be 1200 and the weight of the recovered contraband was found to be 657.6 grams.

During interrogation, Gaurav Saini made a statement that the source of recovered contraband was Avesh. Accordingly, Avesh was arrested on 25.11.2022. He suffered disclosure statement that he procured

five boxes of contraband from one Neeraj (the present petitioner) for a sum of Rs.3500/-.

Learned counsel for the petitioner states that the statement made by the co-accused is inadmissible in evidence. The petitioner has nothing to do with contraband. He is engaged in the work of erecting electricity poles. Recovery in this case has already been effected.

Learned counsel for the petitioner further submits that the petitioner is ready to join investigation, as and when required. Therefore, concession of anticipatory bail be granted in his favour.

On the other hand, learned State counsel has opposed the prayer made by learned counsel for the petitioner submitting that recovery of contraband is commercial and custody of the petitioner is required to effect recovery of the mobile phone and also to find out the ultimate source of recovered contraband.

Learned State counsel has also filed on record copy of the call details of the petitioner with co-accused Avesh.

As per the call-record, mobile phone number of the petitioner is 9149374007 and co-accused Avesh was having 9105540598 mobile number. There are many calls between both of them from 26.09.2022 to 21.10.2022, meaning thereby that they are not strangers and were in touch with one another. The criminals are using technology. Police is not being able to bring the truth out. There is no explanation why Avesh named the petitioner stating that the contraband was purchased from him.

The allegations levelled against the petitioner are quite serious.

The menace of drug is eating the basic framework of the society like a

termite. The evidentiary value of the disclosure statement cannot be seen at this stage, as held in the case of State of Haryana vs. Samarth Kumar reported as 2022(3) RCR (Criminal) 991.

Keeping in view the gravity of offence, I am of the view that custodial interrogation of the petitioner is necessary to locate the ultimate source of recovered contraband. The petitioner is not entitled to the concession of anticipatory bail.

Dismissed.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

February 28, 2023  
monika

(GURBIR SINGH)  
JUDGE

|                             |         |
|-----------------------------|---------|
| Whether speaking/reasoned ? | Yes/No. |
| Whether reportable ?        | Yes/No. |