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

**CRM-M-56338-2023 (O&M)
Date of decision : 08.11.2023**

Rohit

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.539 dated 05.10.2023, under Section 15(c) & 18(c) of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (*for short 'the NDPS Act'*), registered at Police Station City, Fatehabad.

2. Petitioner was nominated as an accused in the present case on the basis of disclosure made by co-accused Rahul, from whom, recovery of 8 kg & 600 gram of poppy straw and 615 grams of opium was effected.

3. Learned counsel contends that petitioner has been falsely implicated in the present case on the basis of disclosure made by the co-accused. No recovery was effected from the petitioner. Also submits that petitioner is ready to join the investigation.

4. Heard learned counsel for the petitioner and perused the paper-book.
5. Concededly, petitioner has been involved in a number of other criminal cases and he is a previous convict under the NDPS Act. In the present case, allegations are that petitioner indulged in the sale and purchase of poppy straw/opium. In such a scenario, to find out the truth, custodial interrogation of the petitioner would be the only way out.
6. Therefore, keeping in view the antecedents of the petitioner as well as rigors of Section 37 of the NDPS Act, this Court is not inclined to accept the prayer.
7. As a result thereof, there is no option except to dismiss the petition.
8. Ordered accordingly.
9. It is clarified that observations made above shall not be construed as an expression of opinion on merits of the controversy, in any manner.
10. Pending application(s), if any, shall also stand disposed off.

08.11.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking / reasoned :</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable :</i>	<i>Yes</i>	<i>No</i>