

RAHUL

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Saurabh Sharma, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

VIVEK PURI, J. (ORAL)

Reply by way of affidavit of Virender Singh, HPS, Deputy Superintendent of Police, Haryana State Narcotics Control Bureau, unit Karnal on behalf of the respondent-State has been filed and the same is taken on record.

Petitioner is seeking anticipatory bail in the case bearing FIR No.478 dated 22.11.2022, under Sections 20/25 of Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station Butana, District Karnal.

Briefly, the FIR has been registered in pursuance of the recovery of 05 Kgs.110 grams of ganja from the possession of Bittu, co-accused.

Learned counsel for the petitioner contends that the petitioner has been nominated on the basis of the disclosure statement of the co-accused. No recovery is to be effected from the petitioner and he is not involved in any other case.

Learned State counsel has opposed the bail application on the score that during the disclosure statement of Bittu, the co-accused, it has emerged that he had purchased the narcotic substance from the petitioner. Moreover, the call detail of the mobile phone of the petitioner and the co-accused indicates

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

It is significant to note that the name of the petitioner has emerged in the disclosure statement of the co-accused from whom the recovery has been effected. The contraband was allegedly purchased by the co-accused from the petitioner. Furthermore, there are call detail records indicating conversation between the petitioner and the co-accused. Besides, in terms of *Samarth Kumar's case (supra)*, the petitioner cannot be held entitled to the relief of anticipatory bail on the score that he has been nominated on the basis of the supplementary statement of the co-accused. The menace of drug has attained alarming heights and the matter requires thorough probe and investigation.

Keeping in view the entire circumstances, no exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

Instant petition is dismissed, accordingly.

07.02.2023

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(VIVEK PURI)
JUDGE

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