

CRM-M-2702-2024
Date of Decision: 25.01.2024

State of Haryana ...Respondent

Present : Mr. Anirudh Singh Shera, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No.331 dated 24.12.2022, registered under Sections 15, 27-A, 61, 85 of NDPS Act, and Section 420 of IPC, at Police Station Ismailabad, Kurukshetra.

2. Learned counsel for the petitioner contends that as per the case of the prosecution, 80 kg of poppy straw was recovered from Sohan Singh, co-accused, who was carrying the same in Omni Maruti Van and Sohan Singh was keeping the contraband in his conscious possession, without any permit or licence. He further submits that the petitioner was neither present at the spot nor his name was mentioned in the FIR. He further contends that the petitioner has been named as the person, who had allegedly supplied the contraband to Sohan Singh, main accused. Learned counsel further contends that except the disclosure statement suffered by the co-accused, there is no other evidence against the petitioner and he is the first offender.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, she could not dispute the factual submissions made by learned counsel for the petitioner in the present case.
4. I have heard learned counsel for the parties and perused the record.
5. In the present case, on receipt of the secret information, Sohan Singh was arrested by the police, while he was carrying 80 Kg of Poppy straw in his Omni Maruti Van. At this stage, the co-accused has suffered a disclosure statement against the present petitioner and no other evidence has been collected, so far. Apart from that, the petitioner was never involved in any other criminal activity and no criminal case was registered against him.
6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

25.01.2024
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(N.S.SHEKHAWAT)
JUDGE

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