



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-18554-2024
Date of decision: July 16th, 2024

Bittu Singh
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.69 dated 31.03.2024 under Sections 15B, 27-A and 31 of the NDPS Act, registered at Police Station Sadar Ratia, District Fatehabad.

2. Vide order dated 18.04.2024, a coordinate Bench of this Court had extended the concession of anticipatory bail to the petitioner in the following terms:-

“Counsel for the petitioner inter alia submits that the petitioner has been nominated on the basis of disclosure statement and it is a case of recovery of 1 kg 300 gms of poppy straw (Doda Post). He relies upon order dated 17.05.2023 passed by Hon’ble Supreme Court in Special Leave to Appeal (Crl.) No.1266 of 2023 titled as ‘Vijay Singh vs. The State of Haryana’, wherein it has been held as under:-

“The petitioner is alleged to have committed offences under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called the ‘NDPS Act’. His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered

from the coaccused. The petitioner concededly was not present at the spot but was named by the co-accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail.

Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose.

The petition is allowed.

All pending applications are disposed of.”

3. Learned counsel for the petitioner has submitted that in compliance of the aforementioned order, the petitioner joined investigation and hence, the order dated 18.04.2024 be made absolute.
4. Learned State counsel, on instructions from S.I. Hansraj, has not disputed the submissions made by the counsel opposite with respect to his joining investigation, however, it has been brought to the notice of this Court that the petitioner is a man of criminal antecedents as he is involved in the following three cases:-

1.	FIR No.201 dated 24.04.2014 under Sections 15, 27-A, 61, 85 of the NDPS Act, P.S. Ratia.
2.	FIR No.109 dated 21.11.2017 under Section 15 of the NDPS Act, P.S. Boha
3.	FIR No.341 dated 13.12.2020 under Sections 15, 27-A of the NDPS Act, P.S. Ratia

5. Though in FIR No.109 registered at Police Station Boha, he stands acquitted, however, he stands convicted in the FIR No.201 registered at Police Station Ratia under the NDPS Act. Learned State counsel has submitted that the petitioner may not have been apprehended at the spot along with the co-accused from whom a recovery of 1 kilograms, 300 grams of poppy husk straw (*doda post*)

was affected, however, his name surfaced in the disclosure statement made by the co-accused, who categorically stated that the recovered contraband had been procured through the petitioner. Learned State counsel has submitted that it is evident that the petitioner is a habitual offender and is repeatedly participating in drug trafficking. It has been submitted that the crime in question was committed while he was on bail in the other case registered against the petitioner under the NDPS Act and hence, it was a case of misuse of concession of bail as well.

6. I have heard learned counsel for the parties and perused the relevant material on record.
7. *Prima facie*, the petitioner appears to be a habitual offender, having been involved in several prior cases under the NDPS Act.
8. Given the petitioner’s criminal antecedents and the grave nature of the offences under the NDPS Act, granting the extraordinary concession of anticipatory bail would be highly inappropriate. It would undermine efforts to combat the drug menace and imply that habitual offenders like the petitioner, can evade accountability. Therefore, in the facts and circumstances, his prayer for being enlarged on anticipatory bail deserves to be declined.
9. The instant petition stands dismissed.
10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 16th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No