



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

CRM-M No.23533 of 2024 (O&M)

Date of Decision: 10.05.2024

Deepak Kadyan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. D.S.Virk, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

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.110 dated 24.03.2024, under Sections 15(B) & 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Fatehabad, District Fatehabad.

(2) Allegations are that co-accused Suresh Kumar @ Chhannu, Sanjay @ Madiyo and Hansraj @ Gona were found in possession of 5 Kg.200 grams of Kachra Doda Post (Poppy Husk) without any license and petitioner has been nominated on the basis of disclosures, made by aforesaid co-accused.



(3) Contends that petitioner is not named in the FIR; rather nominated on the basis of disclosure made by co-accused, namely, Suresh Kumar @ Chhannu, Sanjay @ Madiyo & Hansraj @ Gona, from whom, the alleged recovery of contraband i.e. 5 Kg.200 grams of Kachra Doda Post (Poppy Husk) was effected. Also contends that no other case under the NDPS Act is pending against the petitioner and he is ready to join the investigation.

(4) *Per contra*, learned State Counsel after obtaining instructions opposed the prayer while submitting that an amount of Rs.1 Lakh was deposited in the account of petitioner by co-accused and apart that, Rs.50,000/- was paid in cash for purchasing the contraband; thus, there is sufficient material regarding his complicity.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) Although, petitioner was not named in the FIR; rather nominated on the basis of disclosure made by co-accused from whom the alleged recovery has been effected; but, *prima facie*, it is evident that Rs.1 Lakh was credited in the account of petitioner as drug money.

(7) In view of the above, custodial interrogation of the petitioner would be the only way out to unearth the truth. Hence, there is no option except to dismiss the petition.

(8) Ordered accordingly.

(9) The above observations may not be construed as an expression of opinion on merits of the case.



(10) Pending application(s), if any, shall also stand disposed off.

10th May, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes