



CRM-M-29751-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.210

Case No. : CRM-M-29751-2024

Date of Decision : July 10, 2024

Sandeep

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Ms. Prabhjot Kaur, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

* * *

GURBIR SINGH, J. :

1. Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in case FIR No.304 dated 04.05.2024, under Sections 20(B)(II)(C) 61-85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as – NDPS Act), registered at Police Station City, Rohtak, Haryana.

2. Learned counsel for the petitioner has argued that the petitioner was not present at the spot and no recovery has been effected from the petitioner. He has been named in this case on the basis of disclosure statement of his wife. The petitioner is ready to join investigation. So, concession of anticipatory bail be granted in his favour.

3. Learned State counsel, while controverting the submissions of



learned counsel for the petitioner, has opposed the bail petition. It has been submitted that the police got secret information against wife of the petitioner namely Neeta. The police party maintained a *Naka*. A motorcycle was seen coming and a lady sitting on its rear side. On the signal given by the police, motorcycle stopped. The driver of the motorcycle disclosed his name as Akash and the pillion rider disclosed her name to be Neeta wife of Sandeep. Driver Akash told that Neeta was his maternal aunt and he was not having any knowledge about contraband. From the search of Neeta, a black polythene was recovered, being carried by her in her hand and the same was found containing 01 kg 50 grams of *charas*, which was of commercial quantity. It has been submitted that wife of the petitioner used to supply the contraband at the asking of the petitioner. The motorcycle recovered was owned by the petitioner. So, the petitioner does not deserve any concession of anticipatory bail by the Court.

4. I have heard the rival submissions of both the parties and have also gone through the record.

5. Recovery in the instant case from the wife of the petitioner is of 01 kg 50 grams of *charas*, which is commercial quantity. The wife of the petitioner made disclosure statement that the petitioner was handing over the contraband to her for disbursing the same to different persons.

6. The menace of drugs is eating the basic fabric of the society. Flow of drugs can only be controlled if the persons actually involved are booked and tried in accordance with law. The case is at the investigation stage. The disclosure statement made by co-accused in custody cannot be

ignored for the purpose of investigation. The present case would squarely fall within the four corners of judgment of Hon’ble Supreme Court in case State of Haryana vs. Samarth Kumar reported as 2022(3) RCR (Criminal) 991.

7. Keeping in view the gravity of offence, and adverse effect of drugs on the society, this Court is of the view that custodial interrogation of the petitioner is necessary. So, the present petition seeking anticipatory bail of the petitioner is without any merit and the same is accordingly dismissed.
8. Pending applications, if any, shall stand disposed of along with this judgment.

July 10, 2024

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(GURBIR SINGH)

JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.