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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-32568-2024
Date of Decision:-04.09.2024

MUKEEM

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sarfaraj Hussain, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 of the Code of Criminal Procedure, the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P-1) detailed as under:-

FIR No.	Dated	Sections	Police Station
225	22.06.2024	22C of NDPS Act	Sadar Nuh, District Nuh

2. Heard.
3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case, by the police and no recovery as alleged has been effected from the premises of the petitioner nor he is facing any other criminal case. He contends that the petitioner has no concern with the alleged recovery and is ready to join the investigation. Hence he prays for grant of bail to the petitioner.



4. On the other hand, learned State counsel has assailed these arguments by submitting that on the basis of secret information, recovery of commercial quantity of intoxicant medicines have been effected from the premises of the petitioner. He contends that although the petitioner could not be apprehended at the spot, having ran away. He contends that custodial interrogation of the petitioner is required to verify the source of huge quantity of intoxicant medicines from his premises. Hence he prays for dismissal of the bail petition.

5. After considering the arguments and perusing the record, it transpires that on the basis of secret information, raid was conducted on the premises of petitioner, leading to recovery of huge quantity of intoxicant medicines containing Codeine Phosphate which is a psychotropic substance, the contents thereof, make the recovery as commercial quantity as per the FIR. When the raiding party reached the house of the petitioner the gate was locked and when they waited for the gate to open the petitioner had escaped. Therefore, in these circumstances, considering the nature and gravity of offence, and also the fact that custodial interrogation of petitioner is required to unearth the source from where he acquired intoxicant medicines in his premises, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

04.09.2024

Gyan

- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No