



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-36599-2024
Date of decision: August 1st, 2024

Sorab alias Channa alias Saurav
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.69 dated 31.01.2024 under Sections 21(b) (Section 27-A added later on) of the NDPS Act, 1985, registered at Police Station City Tohana, District Fatehabad.

2. Learned counsel for the petitioner contends that he has been implicated in the present case based solely on a disclosure statement allegedly made by co-accused Rahul, qua whom a secret information was received that he had been indulging in drug trafficking. It has been contended that no such secret information was ever received regarding the involvement of the petitioner, which lends credence to his false implication in the present case. Furthermore, it has been argued by the learned counsel that the disclosure statement in question holds very poor evidentiary value, and on this basis alone, he merits the concession of anticipatory bail. Additionally, it has been submitted that the petitioner is ready to join the investigation and fully

cooperate with the investigating agency.

3. Notice of motion.

4. On the asking of the Court, Ms. Trishanjali Sharma, Deputy Advocate General, Haryana, accepts notice on behalf of the State.

5. *Per contra*, learned State counsel has strongly opposed the prayer and submissions made by the counsel for the petitioner. Learned counsel, on instructions, has submitted that no doubt, a secret information had been received only with respect to the involvement of co-accused Rahul in drug trafficking and a recovery of 30 grams of heroin was affected from him; though, admittedly the petitioner was not present with co-accused Rahul when he was apprehended, however, in the disclosure statement made by co-accused Rahul, he explicitly stated that the recovered contraband had been procured from the petitioner. Learned counsel has submitted that the disclosure statement may have limited evidentiary value, however, the disclosure statement cannot be brushed aside as it is a matter of record that the petitioner is involved in number of criminal cases which include three cases under the NDPS Act and one case under the Arms Act. It has been further asserted by the learned State counsel that evidently, the petitioner is a habitual offender, who has been frequently involved in criminal cases, particularly under the NDPS Act. A prayer has, therefore, been made for dismissal of the instant petition.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. *Prima facie*, the petitioner does come across as a habitual offender as it is a matter of record that he is facing trial in three other

cases under the NDPS Act. The petitioner has yet again been involved in a case under the NDPS Act while he was on bail in the other three cases under the NDPS Act, which already stood registered against him. This Court, therefore, in the above facts and circumstances, does not fit to extend the extraordinary concession of bail to the petitioner.

8. The instant petition stands dismissed.
9. 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.

August 1st, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No