

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-45469-2024 (O&M)

Date of Decision: 18.09.2024

Umair Aalam Chaudhary

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. JP Jangu, Advocate for the petitioner

Mr. BS Virk, Sr.DAG Haryana

Sandeep Moudgil, J.

Relief

(1). This petition under Section 482 BNSS has been filed by the petitioner seeking anticipatory bail in case FIR No.258 dated 08.08.2024 under Sections 22-C/25 of Narcotic Drugs and Psychotropic Substance Act, 1985 (in short, the NDPS Act) registered at Police Station Kunjpura, District Karnal.

Facts

(2). As per the allegations in the FIR, it has been alleged on 07.08.2024, on a secret information that two persons namely Shahrukh and Sajid were involved in illegal trade of intoxicating substances from Uttar Pradesh and selling it at higher rates in Haryana and were in the process of transporting intoxicating tablets contained in a box on their motorcycle bearing registration no.HR05AN-1460 and were proceeding in UP towards village Gheer wherein the police accordingly set up a naka and apprehended the said accused persons. The driver of the vehicle disclosed his name as Sajid while the pillion rider disclosed his name as Shahrukh. They were found in possession of 4320 capsules of tramadol weighing about 02 kgs. 419 grams. Later on, the

accused Shahrukh and Sajid got the place demarcated in Gangoh, District Saharanpur near Ashu Medical Store where the petitioner had supplied the intoxicating tablets to them in the evening of 07.08.2024.

Submission by the petitioner

(3). Learned counsel for the petitioner submits that the allegation against the petitioner is that he supplied a huge quantity of intoxicating tablets to the accused persons but the prosecution has no material on record to even prima facie establish the connection or involvement of the petitioner in the transport/sale/purchase etc. of the psychotropic substance and moreover, the disclosure statement, on the basis of which petitioner has been implicated, has no relevance in the eyes of law having being obtained by the police from the accused persons in their custody.

(4). It is further urged that custodial interrogation of the petitioner is not required as no recovery is to be effected from him moreso when there is no hurdle for the petitioner to cooperate with the investigating agency as and when he is called upon to do so. Reliance has been place on **Court on its own motion vs. CBI, 2006 (4) RCR (CrL) 206 Delhi** wherein it was held that police can investigate and submit the charge-sheet even without arresting and producing the accused and as such, there is no justification for the police to exercise its power to arrest the petitioner in a routine manner.

State's contention

(5). He along with learned State counsel opposed the prayer made by the counsel for the petitioner on the ground that as per reply to this bail application submitted by the police, it is to be ascertained from the petitioner as to from where he had purchased the intoxicating tablets.

Analysis

(6). The FIR itself narrates that the accused persons namely, Shahrukh and Sajid were apprehended at the spot with 4320 capsules of tramadol weighing about 2 kg 419 gram. The police interrogated the above-said accused persons wherein the name of the petitioner came to light as he was alleged to be involved in supplying the said tablets to them in the evening of 07.08.2024. This Court finds weight in the argument of learned State counsel that the connection and the extent of involvement of the petitioner or such other network involved in trade of intoxicant substances needs to be unveiled and giving freeway to the petitioner would jeopardize the investigation proceedings as in all probabilities, there is apprehension of the petitioner tampering with the evidence or he may evade the process of law.

(7). The Apex Court in State by Inspector of Police vs. B.Ramu, 2024 (2) SCR 357 has held that :-

“In case of recovery of such a huge quantity of narcotic substance, the Courts should be slow in granting even regular bail to the accused what to talk of anticipatory bail more so when the accused is alleged to be having criminal antecedents.”

(8). Taking into consideration the discussed facts and law laid down in State by Inspector of Police’s case (supra), this Court does not find it to be a case to exercise its jurisdiction and extend the concession of granting anticipatory bail to the petitioner.

(9). Dismissed.

18.09.2024
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No