



CRM-M-46378-2024

**103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-46378-2024
Decided on : 18.09.2024

Akash @ Sagar Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Mohan Singh Chauhan, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of anticipatory bail in case FIR No.298 dated 09.08.2024 under Sections 21, 29, 61 and 85 of NDPS Act, 1985 registered at Police Station Mahesh Nagar District Ambala.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of a disclosure statement allegedly suffered by co-accused Rahul @ Barot from whom recovery of 32 grams of smack was allegedly affected following a secret information. It has been argued by the learned counsel for the petitioner that the evidentiary value of such disclosure statement suffered by the co-accused is of weak nature and cannot be made a basis for booking the petitioner in the present case.

3. On a pointed query put to the learned counsel as to



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whether the petitioner is involved in any other criminal case, he has fairly conceded that the petitioner is indeed booked in one other case under the NDPS Act, however, it has been submitted that the petitioner has since been enlarged on bail in the earlier case.

4. I have heard learned counsel for the petitioner and perused the material placed on record.

5. Prima facie, the petitioner comes across as a habitual offender and it is discernible that he has misused the concession of bail, which was granted to him in the earlier case registered against him under the NDPS Act on 16.05.2024. It also needs to be pointed out that the petitioner was enlarged on bail in the earlier case, which was registered under the NDPS Act, on 07.08.2024 and soon thereafter, he was again involved in the present case.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extra-ordinary concession of anticipatory bail to the petitioner. Accordingly, the instant petition stands dismissed.

7. 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.

18.09.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No