



CRM-M-46291-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.102**Case No. : CRM-M-46291-2024****Decided On : September 18, 2024**

Ajaj

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Ms. Rosi, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

1. The present petition has been moved under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), seeking anticipatory bail to the petitioner in case FIR No.147 dated 21.08.2024 (Annexure P-1), under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as – NDPS Act), registered at Police Station Pinangwa, District Nuh.

2. As per the prosecution version, on 21.08.2024, ASI Anil Kumar and some other officials were on routine patrolling duty, when a secret informer informed them that petitioner Ajaj was dealing in drugs and on that day also, was selling the drug Codeine Syrup inside his house and if raid was conducted, then he along with drug could be caught. The police, acting on the said information, after completing necessary formalities, joined Irshad



and Ishra, residents of Village Otha, as witnesses. The house of petitioner was raided but the petitioner, on seeking the police party, ran away from the spot by jumping into the back lane. On search of his house, 44 bottles (100 ml each) of Codeine Phosphate Triprolidine Hydrochloride Syrup of Wings Brand, (ONEREX) Cough Syrup were recovered. In these circumstances, FIR in question (Annexure P-1) was registered against the petitioner.

3. Learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely implicated in the present case. No role is attributed to the petitioner and the said fact has not been taken into consideration by the Court of learned Additional Sessions Judge, Nuh, while dismissing the anticipatory bail application of the petitioner vide order dated 03.09.2024 (Annexure P-2). It has further been submitted that the petitioner is ready to join investigation and also ready to undertake not to flee from justice and abide by any condition, imposed by the Court. So, taking a lenient view, the petitioner be granted concession of anticipatory bail.

4. Pursuant to advance notice, learned State Counsel is present to assist the Court. He is opposing the present petition for anticipatory bail on the ground that there is not only recovery of commercial quantity of 4400 ml Cough Syrup but also the fact of petitioner fleeing away from the spot, which cannot be simply ignored. The petitioner is yet to be arrested and interrogated about whereabouts of the recovered drugs. In this situation, if anticipatory bail is granted to the petitioner, the investigation would hamper and the prosecution is unlikely to reach the real culprits.

5. I have heard the submissions of learned counsel for the petitioner

and learned State counsel and also perused the case file.

6. As per the version of prosecution, secret information was received against the petitioner about dealing in drugs. Then, the police party raided the house of the petitioner. The petitioner ran away into the back lane. A plastic bag was found kept in the room on terrace. On opening, 44 bottles (100 ml each) of Onerex Cough Syrup of Wings Brand were recovered, containing Codeine Phosphate Triprolidine Hydrochloride, which is a narcotic drug and the quantity recovered from the house of the petitioner is a commercial one.

7. In view of the above discussion, this Court is of the view that custodial interrogation of the petitioner is required to bring the truth on file. So, the petitioner is not entitled for grant of anticipatory bail.

8. Dismissed.

9. However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

10. Pending applications, if any, shall stand disposed of along with this judgment.

September 18, 2024

monika

(GURBIR SINGH)
JUDGE

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