



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-492-2025 (O&M)
Date of Decision:- 03.02.2025

ARIF

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 Bharatiya
Nagarik Suraksha Sanhita, 2023, petitioner seeks anticipatory bail in case
FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
140	09.05.2024	20b(ii)(c) NDPS Act; (29 NDPS Act added later on)	Mundkati, Palwal

2. It is *inter alia* contended by learned counsel for the petitioner
that the petitioner is innocent having no concern with the allegations levelled
in the FIR but has been falsely implicated in this case. He submits that the
petitioner has not been named in the FIR, but allegedly nominated on the
disclosure statement given by co-accused Nepal with whom the petitioner
has no concern. He contends that vague allegations have been levelled



against the petitioner without there being any specific overt act attributed to the petitioner. He further contends that the petitioner is neither the supplier nor the end receiver of the narcotics. He submits that the petitioner is ready to join investigation and has prayed for grant of anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by State has assailed the arguments and submitted that the petitioner had played an active role in the transportation of the narcotics and is stated to have paid ₹50,000 to co-accused Ramesh, who happens to be the supplier of the contraband. He refers to the disclosure statements made by co-accused Nepal on 09.05.2024 and 13.05.2024 to submit that the custodial interrogation of the petitioner is required to unearth the *modus operandi* as he has been actively participating in the crime, hence prayed for dismissal of the petition.

4. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on a secret information. The police party apprehended three accused namely Nepal, Udayveer and Ranjeet transporting the contraband in a Santro Car, which they had allegedly bought from Odisha. The accused persons were arrested and 30.50 KG *ganja* was recovered from their possession. During the interrogation of co-accused Nepal, he suffered a disclosure statement on 09.05.2024 and again on 13.05.2024, disclosing about the involvement of the present petitioner in procuring the contraband from co-accused Ramesh, to whom he allegedly paid ₹50,000. Therefore, considering these facts and



circumstances, it is observed that custodial interrogation of the petitioner is required to unearth the *modus operandi* adopted by the accused persons for procurement of the contraband.

5. Therefore, considering the nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition 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

03.02.2025
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |