



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-859-2025

Date of decision: February 25th, 2025

Vikram Saini

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Imran Mohammad, Advocate
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J.

On the last date of hearing, following order was passed:

“Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.203 dated 18.12.2024 under Sections 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Shahzadpur, Ambala.

Learned counsel for the petitioner inter alia contends that the petitioner was not found present either in the truck or anywhere in the vicinity of the truck which was lying parked on one side of the road in which 12 kgs 600 grams of poppy husk had been loaded. It has been submitted that the petitioner came to be nominated as an accused in the present case only on account of his driving licence having been found in the cabin of the truck. Learned counsel has further submitted that the petitioner is not even the registered owner of the truck from which the alleged recovery was effected. It has also been submitted that a big question mark also would arise with respect to the alleged secret information received qua the involvement of the petitioner in drug trafficking

and the possibility of falsely linking the petitioner with the recovered contraband was likely as the petitioner was facing trial in another case under the NDPS Act.

Notice of motion.

On asking of the Court, Mr. Rahul Mohan, Sr. DAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to get necessary instructions.

Adjourned to 25.02.2025.

Meanwhile, no coercive steps shall be taken against the petitioner only till the next date of hearing.”

2. On being put to notice, learned State counsel has filed reply by way of affidavit of Deputy Superintendent of Police, Naraingarh, District Ambala, which is taken on record subject to just exceptions.

3. It has been contended by the learned State counsel that a specific secret information had been received qua the involvement of the petitioner in drug trafficking; this is not the first time that the petitioner has been booked in a case under the NDPS Act, rather, the petitioner was on bail in another case under the NDPS Act, when yet again he was involved in the present case. It has been submitted that when the truck qua which a secret information had been received was raided, the petitioner was not found present, however, certain crucial documents such as petitioner's driving licence, PAN Card, mobile phone etc. were found lying in the truck along with the contraband, which was then recovered after due compliance of the mandatory provisions of the NDPS Act. Learned State counsel has submitted that since the petitioner is a habitual offender, he does not deserve the concession of anticipatory bail and, therefore, his custodial interrogation would be required to unearth the entire cartel, which he is likely involved in, more so in the wake of the growing menace of drug

trafficking in this part of the country.

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

5. *Prima facie*, the petitioner does indeed come across as a habitual offender. Although the recovery effected in this case is 12.600 kilograms of poppy husk, less than what is classified as commercial under the NDPS Act, however, this Court cannot turn a blind eye to the fact that earlier also, the petitioner was booked in a case under the NDPS Act, coupled with the fact that he was on bail when he yet again indulged in an offence under the NDPS Act.

6. In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

7. Accordingly, the instant petition stands dismissed.

8. 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.

February 25th, 2025

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No