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**THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.3617 of 2025
Date of Decision: 23.01.2025**

Sagar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Navraj Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Present second petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.486, dated 08.09.2024, under Section 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act added subsequently), registered at Police Station Thanesar Sadar, District Kurukshetra, Haryana. Further prayer has been made for staying the arrest of the petitioner during the pendency of the present petition.

2. Earlier the petitioner had approached this Court praying for the grant of anticipatory bail by way of filing **CRM-M No.58232 of 2024**, however after arguing the same at length, the petitioner was



allowed to withdraw the petition with liberty to avail the alternative remedy vide order dated 22.11.2024.

3. Learned counsel for the petitioner has relied upon the decision passed by this Court in '**XXX vs. XXX**', **2024 Live Law (PH) 113** and has submitted that even if the first anticipatory bail is dismissed then the second anticipatory bail is maintainable if there is substantial change in the circumstances. He has submitted that the petitioner has been roped in the present case on the basis of disclosure statement of co-accused. He has submitted that no challan is presented against the petitioner and the recovery of contraband was effected from the co-accused and not from the petitioner. He has thus submitted that the petition is duly maintainable and in the facts and circumstances, the petitioner deserves to be granted anticipatory bail.

4. Heard.

5. On hearing learned counsel for the petitioner and perusing the record, it is apparent that the earlier petition filed by the petitioner praying for the grant of anticipatory bail was allowed to be withdrawn vide order dated 22.11.2024. The Court does not question about the maintainability of this second petition, however from the facts and circumstances of the case, it is deciphered that the recovery of 2.630 Kg of opium was effected from co-accused, namely, Giana Devi. On her disclosure statement, complicity of the petitioner was established as he was found to be the person intended to purchase the contraband recovered from Giana Devi. The petitioner is involved in one more case



of similar nature i.e. FIR No.132, dated 24.08.2022, under Section 18 of NDPS Act, registered at Police Station Sadar Hoshiarpur, though he was enlarged on regular bail in that case vide order dated 06.10.2022.

6. Needless to say, the recovery effected in the present case falls under the category of commercial quantity and thus the provisions of Section 37 NDPS Act are attracted.

7. This Court does not find any change in the circumstances nor find any ground for exercising the extra ordinary jurisdiction under Section 482 of BNSS, 2023 in favour of the petitioner and thus the present petition being devoid of any merit is hereby dismissed.

23.01.2025

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

(RAJESH BHARDWAJ)
JUDGE