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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8214-2025 (O&M)
Date of decision: 14.02.2025

Sahil Kaith

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amarpreet S. Bathindewala, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.005 dated 06.01.2025 under Section 21-B/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station City Dabwali, District Sirsa.
2. Learned counsel for the petitioner, *inter alia*, contends that as per the case set up by the prosecution, the alleged contraband was recovered from

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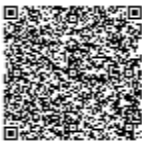
the exclusive possession of co-accused Parveen Kumar @ Peena and Pankaj @ Pinku. The petitioner has been nominated as accused only on the basis of disclosure statement made by aforementioned co-accused, while in police custody and such statement has no evidentiary value in the eyes of law, as the same is hit by Section 25 of Indian Evidence Act, 1872 (*now Section 23(1)(2) of Bharatiya Sakshya Adhiniyam, 2023*). The alleged contraband, which was recovered from aforementioned co-accused, does not fall within the ambit of commercial quantity.

3. *Per contra*, learned State counsel appears on advance notice and opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner is supplier of the alleged contraband and he is involved in one more case under NDPS Act. As such, custodial interrogation of the petitioner is required to unearth the supply chain of the alleged contraband.

4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner has supplied the alleged contraband and he is involved in one more case under NDPS Act and as such, his custodial interrogation is imperative to conduct proper investigation.

5. Keeping in view the facts and circumstances of the case, without commenting further on merits of the case, lest it may prejudice the rights of either of the parties, this Court finds no ground to grant the concession of

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anticipatory bail to the petitioner.

6. Accordingly, present petition is dismissed.

14.02.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No