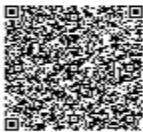


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12738-2025 (O&M)
Date of decision: 06.03.2025

Vajid Ali

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Himani Anand, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.92 dated 12.02.2025 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Thanesar, District Kurukshetra.
2. Briefly, the facts of the case are that SI Surender Kumar along

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with other police officials was present near southern corner of Tau Devi Lal Park, Pipli in connection with patrolling duty and he received a secret information that Ravi Kumar @ Rana is indulged in the business of selling the opium and is coming from Shahbad towards Pipli, Kurukshetra in his car bearing registration No.PB-11-CW-5743, make Verna, white colour with huge quantity of opium to sell it to unknown drug addicts. Finding this information reliable, notice under Section 42 of NDPS Act was prepared and the same was sent to Police Station Sadar Thanesar through SPO Sanjay for registration of FIR. After completing all the formalities, as prescribed under NDPS Act, recovery of 1.279 kgs of opium was effected from dashboard of the aforementioned car, which was driven by Ravi Kumar @ Rana and he was apprehended at the spot.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is not named in the FIR (*supra*), which was registered on the basis of secret information. Admittedly, 1.279 kgs of opium was recovered from the conscious and exclusive possession of co-accused Ravi Kumar @ Rana and after enduring custodial interrogation, his disclosure statement was recorded, in which he did not name the petitioner. After 04 days of police remand, second disclosure statement of co-accused Ravi Kumar @ Rana was recorded, in which name of the petitioner surfaced as accused. Learned counsel for the petitioner further contends that it is settled law that any statement of co-

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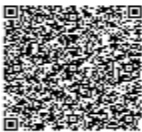
accused recorded by the police officials during custodial interrogation would be hit by Section 25 of Indian Evidence Act, 1872 (*now Section 23(1)(2) of Bharatiya Sakshya Adhiniyam, 2023*) and such disclosure statement has no evidentiary value in the eyes of law. Further, the alleged recovered contraband does not fall within the ambit of commercial quantity.

4. *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 opium recovered from co-accused and he sold the same for Rs.1.50 lakhs. The petitioner is habitual offender and is involved in four cases, out of which, two cases are registered under the provisions of NDPS Act. As such, custodial interrogation of the petitioner is required for taking the investigation to its logical end.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is supplier of the alleged contraband and he is involved in two cases under NDPS Act, out of four cases registered against him. The investigation is at the initial stage and custodial interrogation of the petitioner is imperative to find out the supply chain of the alleged contraband.

6. Keeping in view the facts and circumstances of the case, without commenting anything 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

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concession of anticipatory bail to the petitioner.

7. Accordingly, the present petition is dismissed.

[HARPREET SINGH BRAR]
JUDGE

06.03.2025
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No