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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15226-2025 (O&M)
Date of decision: 20.03.2025

Neeraj Bhatnagar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

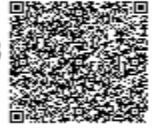
Present: Mr. Mandeep Nehra, Advocate and
Mr. Digvijay Singh, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

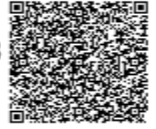
1. Instant petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.358
dated 17.11.2024 under Section 22-C of the Narcotic Drugs and Psychotropic
Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station
Naraingarh, District Ambala.
2. The facts in brief, as alleged, are that on 17.11.2024 at about 10.30

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a.m., SI Naresh Kumar along with other police officials was on patrolling duty and at about 03.00 p.m., he was present at Sadhaur Chowk, Kala Amb Chowk via Shahzadpur, Naraingarh. He received a secret information to the effect that one Kaka Kumar is coming to Markanda Bridge, Kala Amb on a black coloured Hero motorcycle and is having large quantity of narcotic capsules to supply the same to his customer. If a barrier is laid, aforementioned person can be apprehended with large quantity of the contraband. Finding this information reliable, notice under Section 42 of NDPS Act was prepared and the same was sent to SHO, Police Station Naraingarh and nakabandi was done. After some time, a black coloured motorcycle was seen coming from Sadhaura road and the special informer said that the young boy wearing red T-shirt, coming on the motorcycle, is Kaka Kumar and he was apprehended along with motorcycle. Thereafter, search was conducted and recovery of currency notes of Rs.1200/- from back pocket of his black jeans, a mobile phone make Realme from his right pocket and 20 strips of SPASMED, ACETAMINOPHEN, TRAMADOL & DICYCLOMINE HCI capsules, each strip containing 24 capsules, total 480 capsules and 50 strips of PROXYWEL SPAS PARACETAMOL, DICLOMINE HYDROCHLORIDE & TRAMADOL HYDROCLORIDE, each strip containing 24 capsules, total 1200 capsules, was effected and weight of the aforementioned contraband came to be 01 kg and 214.5 gram with wrapper. Hence, the FIR (*supra*).

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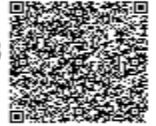


3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is having a valid licence (Annexure P-2) to sell and stock the drug i.e. Diclomine Hydrochloride Tramadol. Further, the petitioner was not named in the FIR (*supra*). Admittedly, recovery of intoxicant tablets was effected from co-accused Kaka Kumar and on the basis of disclosure statement made by him, while he was in police custody, the petitioner has been nominated as accused. Such statement made by co-accused before the police, during his custodial interrogation, has no evidentiary value in the eyes of law, as the same would be hit by Section 25 of Indian Evidence Act, 1872 (*now Section 23(1)(2) of Bharatiya Sakshya Adhinyam, 2023*).

4. *Per contra*, learned State counsel opposes the prayer for grant of anticipatory bail to the petitioner on the ground that he is supplier of the alleged contraband and huge quantity falling within the ambit of commercial quantity has been recovered. Further, the money trail to the account of the petitioner has been detected. The petitioner is habitual offender and he is involved in two more cases under NDPS Act.

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 habitual offender and is involved in two more cases under NDPS Act. The investigation is at the initial stage and custodial interrogation of the petitioner is required to take the investigation to its logical conclusion.

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6. Keeping in view the facts and circumstances of the case and also the antecedents of the petitioner, this Court finds no ground to grant him the concession of anticipatory bail.

7. Accordingly, present petition is dismissed.

8. However, nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned trial Court shall decide the case on its own merits without being prejudiced by the observations of this Court.

[HARPREET SINGH BRAR]
JUDGE

20.03.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No