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

**CRM-M-16928-2025 (O&M)
Date of decision: 27.03.2025**

Rajesh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Neeru Bansal, Advocate,
Mr. Rohit Singh, Advocate,
Ms. Chahat, Advocate,
Mr. Ajay Kamboj, 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 short 'BNSS') seeking anticipatory bail in FIR No.54 dated 06.02.2025 under Sections 21(b) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station City Rohtak, District Rohtak.
2. Briefly, the facts of the case are that on 06.02.2025, when SI

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Jitender along with other police officials was present at Sansi Chowk, Rainakpura, Rohtak, he received a secret information that one Kamlesh is indulged in the business of sale of narcotic substance and she is present near Shiv Mandir, Rainakpura, Rohtak and is waiting for prospective customer. If a raid is conducted, she could be apprehended with narcotic substance. Finding the information as genuine, notice under Section 42 of NDPS Act was sent to higher police officials. After following the proper procedure prescribed under the provisions of NDPS Act, she was arrested at the spot and 50 grams of heroin was recovered from her.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is not named in the FIR (*supra*) and he has been falsely implicated. Admittedly, nothing has been recovered from the conscious and exclusive possession of the petitioner. Further, the petitioner has been nominated as an accused on the basis of disclosure statement made by co-accused while he was in police custody. It is trite law that any statement made by an accused during custodial interrogation 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*).

4. *Per contra*, learned State counsel opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner along with co-accused are indulged in drug trafficking and they are suppliers of the alleged contraband and co-accused is none other than wife of the petitioner.



Further, the petitioner is involved in one more case 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 supplier of the alleged contraband and he is involved in one more case under NDPS Act, as such, his custodial interrogation is required to ascertain the supply chain.

6. In view of the facts and circumstances of the case, this Court finds no ground to grant the concession of anticipatory bail to the petitioner. Accordingly, the present petition is dismissed.

7. 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

27.03.2025
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No