



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

105

CRM-M-53220-2025

Date of Decision : 22.09.2025

KRISHAN

.... PETITIONER

V/S

STATE OF HARYANA

.... RESPONDENTS

CORAM:HON'BLE MR. JUSTICE SUBHAS MEHLA

Present : Mr.Ankur Mehta, Advocate and
Mr. Harshit Ahuja, Advocate
for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. Prayer is for grant of anticipatory bail to the petitioner in case bearing FIR No.285 dated 19.08.2025 registered under Sections 20(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Tohana, District Fatehabad.

2. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case. He was neither named in the FIR nor any recovery has been effected from him. The alleged contraband i.e. 29 Kg 330 Grams of Ganja was recovered from the co-accused Rajender Kumar @ Rahul and Bala. The petitioner is nominated only on the basis of disclosure statement of co-accused. The petitioner is 28 years of age, having clean and clear antecedents, is not involved in any other case under the NDPS Act. Nothing is to be recovered from him and his custodial



interrogation is not required. Thus, learned counsel prayed for grant of concession of anticipatory bail.

3. Notice of motion.

4. Mr. Karan Veer Singh, Sr. DAG, Haryana, accepted notice on behalf of respondent-State and opposed the grant of anticipatory bail to the petitioner by submitting that the present petitioner along with co-accused Gagan had purchased the said contraband and thereafter supplied the same at the instance of the petitioner. Considering the role attributed to the petitioner, his custodial interrogation is necessary to complete the chain of events and to apprehend other persons involved in the drug trade. Therefore, the petitioner is not entitled to the concession of anticipatory bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel and perused the record.

6. The allegation against the present petitioner is serious in nature that he is involved in illegal activities under the NDPS Act and one more case is pending against him. The investigation is still in progress and the custodial interrogation of the petitioner is necessary to apprehend other persons involved in the supply of contraband. Thus, he is not entitled to the discretionary relief of anticipatory bail as held by Supreme Court in **State represented by the C.B.I. Thomas, JJ. Vs. Anil Sharma, Criminal Appeal No.811 of 1997 [Arising out of SLP (Crl.) No.1127 of 1997], decided on 3.9.1997** relevant whereof reads as under:

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in



disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders.”

7. The Hon’ble Supreme Court in **Anarul SK vs. The State of West Bengal, SLP (Criminal) No. 12621/2024, decided on 19.09.2024**

observed that the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue.

8. The custodial interrogation of the petitioner is necessary in the given circumstances. Accordingly, the petition is dismissed.

(SUBHAS MEHLA)
JUDGE

22.09.2025

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Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No