

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

Crl. Misc. No. M- 15490 of 2011(O&M)

Date of Decision: May 31, 2011.

Ganga Jal.

..... PETITIONER(s)

Versus

State of Haryana.

..... RESPONDENT (s)

CORAM:- HON'BLE MR.JUSTICE RAM CHAND GUPTA

Present: Mr. D.S.Bishnoi, Advocate
for the petitioner.

Mr. Vikas Malik, A.A.G., Haryana.

RAM CHAND GUPTA, J.(Oral)

The present petition has been filed for anticipatory bail under Section 438 of Code of Criminal Procedure in FIR No.54 dated 01.02.2011 under Sections 18/27A of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the 'NDPS Act') registered at Police Station Sadar Fatehabad District Fatehabad, Haryana.

I have heard learned counsel for the parties and have gone through the whole record.

Brief allegations against petitioner-accused are that, there was a secret information with the police that he used to indulge in the business of selling opium and for that purpose he also engaged two persons, namely, Satya Narain @Bablu and Gurmehesh r/o Bhodiya. Raiding party was formed and raid was conducted. From possession of the co-accused 2 Kgs. opium was recovered. During investigation co-accused disclosed that opium was supplied to them by the present petitioner and another person, namely, Krishan Lal.

It has been contended by learned counsel for the petitioner that statement of co-accused is not binding upon the petitioner. Further contended that no recovery has been effected from petitioner. Hence, it is contended that he has been falsely implicated in this case.

On the other hand, it has been contended by learned counsel for the respondent-State that petitioner is a previous convict under the NDPS Act. It has also been contended that there was secret information against the petitioner-accused and hence, his name has been mentioned in the FIR. Further contended that co-accused have stated during interrogation that petitioner used to indulge in the business of selling intoxicants and that they had purchased the opium from the petitioner. Hence, it is contended that custodial interrogation of the petitioner is necessary.

Hence, in view of these facts, it is not such a case in which extraordinary relief of anticipatory bail should be granted to the petitioner-accused.

Hence, without expressing any opinion on the merit of the case, the instant application for anticipatory bail filed by Ganga Jal is, hereby, dismissed being devoid of merit.

May 31, 2011.
'om'

(**RAM CHAND GUPTA**)
JUDGE