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

**CRM-M-51032-2024
Date of Decision: 15.01.2025**

BRAHMJEET SINGH**...Petitioner(s)****Vs.****STATE OF HARYANA****...Respondent(s)****CORAM : HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present : Mr. Manvinder Sidhu, Advocate
for the petitioner.

Mr. Arjun Lakhanpal, Additional A. G., Haryana.

KARAMJIT SINGH, J. (Oral)

1. The prayer in this petition under Section 482 of Bharatiya Nagarik Suraksha Sanita, 2023 (BNSS) is for grant of anticipatory bail to the petitioner in case FIR No.412 dated 16.07.2024 under Sections 18(b)/27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Hansi City, District Hisar, Haryana, wherein the police recovered about 02 KG of opium from co- accused Sanjay on 16.07.2024, and thereafter the petitioner was nominated as accused on the basis of disclosure statement suffered by co-accused Sanjay.

2. The learned counsel appearing on behalf of the petitioner *inter alia* submits that the petitioner is falsely implicated in this case on the basis of alleged disclosure statement of Sanjay and the said disclosure statement is inadmissible in evidence. It is further submitted that in compliance of the previous order, the petitioner has joined the investigation with the police.

3. Status report by way of an affidavit of Ravinder Sangwan, the

Deputy Superintendent of Police, Hansi has been filed on behalf of respondent-State and the same is taken on record, alongwith documents Annexure R-1 and Annexure R-2.

4. Learned State counsel on instructions from ASI Joginder Kumar submits that the petitioner has joined investigation and is not required for the purpose of further investigation or custodial interrogation by the police.

5. The recovery affected in the present case comes under the “non-commercial quantity” and thus rigors of Section 37 NDPS Act are not applicable to the instant case. Further as has been apprised by the State counsel, petitioner is facing another criminal case under NDPS act, wherein he is on bail. Furthermore the petitioner who has joined the investigation is not required for the purpose of further investigation by the police.

5. In light of the above without expressing any opinion on the merits of the case, the present petition is allowed and interim order dated 16.10.2024 passed by this court is made absolute. The petitioner is to abide by the conditions provided under section 482(2) of BNSS 2023.

15.01.2025
M.Sikka

(KARAMJIT SINGH)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No