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

**CRM-M-16368-2025 (O&M)
Date of decision: 25.03.2025**

Sukhwinder @ Sukhavinder

... Petitioner

Vs.

State of Haryana

... Respondent

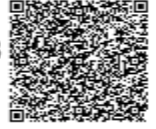
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

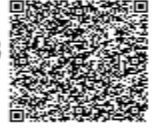
1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.26 dated 09.01.2025 under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Azad Nagar, District Hisar.
2. Briefly, the facts of the case are that on 09.01.2025, when SI Satpal Singh along with other police officials was on patrolling duty and was present at Bus Stand Muklan, he received a secret information that Krishan



Kumar, Mukesh @ Ghadsi and Ashok are coming from Peeranwali on a motorcycle bearing registration No.HR-48A-9281, by taking heroin with them and if a barrier is laid, huge quantity of heroin can be apprehended. Finding this information reliable, notice under Section 42 of NDPS Act was prepared and the same was sent to Police Station Azad Nagar, Hisar through HC Naveen Kumar for registration of FIR. After completing all the formalities, as prescribed under NDPS Act, recovery of 6.42 grams of heroin was effected.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is not named in the FIR (*supra*) and nothing has been recovered from his conscious and exclusive possession. The petitioner has been nominated as accused pursuant to disclosure statement suffered by co-accused during his custodial interrogation, which 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 Adhiniyam, 2023*). Further, the alleged contraband recovered from possession of co-accused falls within the ambit of non-commercial quantity.

4. *Per contra*, learned State counsel appears on advance notice and opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner has supplied the alleged contraband and he is habitual offender and is involved in six more cases, which includes one 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 six more cases, out of which, one case is registered under NDPS Act. Further, the drug trafficking is a heinous offence, which has disastrous social ramifications. As such, custodial interrogation of the petitioner is required to illicit the relevant information to ascertain the source of contraband.

6. Keeping in view the facts and circumstances of the case, without commenting anything further on merits of the case, lest it may prejudice the rights of either of the parties, this Court finds no ground to grant the concession of anticipatory bail to the petitioner.

7. Accordingly, the present petition is dismissed.

25.03.2025

vishnu

**[HARPREET SINGH BRAR]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No