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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-34383-2026****Date of Decision: 15.07.2026****DHARAMVEER****...Petitioner****Vs.****STATE OF HARYANA****...Respondent****CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Sandeep Saini, Advocate for the petitioner.
Mr. Tanuj Sharma, AAG, Haryana.

VIRINDER AGGARWAL, J. (Oral)

1. The present is the first petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973), seeking the grant of regular bail to the petitioner in FIR No. 15 dated 17.01.2026, registered under Sections 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 22(b) having been deleted), at Police Station Barara, District Ambala, Haryana.

2. As per the prosecution, the present FIR was registered on the allegations that on 17.01.2026, co-accused Pardeep Singh was apprehended by the police party in the area of Police Station Barara and, upon his search conducted in accordance with the provisions of the NDPS Act, 72 strips containing a total of 576 capsules of Spasmed were recovered from his possession. The said capsules were found to contain Acetaminophen, Tramadol Hydrochloride and Dicyclomine Hydrochloride, having a total weight of 386.94 grams, without any valid permit or licence. It is further the case of the prosecution that during investigation, the name of the present petitioner surfaced on the basis of the disclosure statement of co-accused



Pardeep Singh, wherein he allegedly disclosed that the petitioner had supplied the contraband. Accordingly, the petitioner was nominated as an accused and arrested in the present case. The challan has already been presented before the learned Trial Court and charges have been framed.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and was not named in the FIR. It is contended that no recovery whatsoever has been effected from the petitioner and the entire case against him is based solely upon the disclosure statement of co-accused Pardeep Singh, which has no evidentiary value in the absence of any recovery or independent material connecting the petitioner with the alleged offence.

3.1 Learned counsel further submits that the alleged contraband was recovered from the co-accused and the petitioner was neither present at the spot nor found in conscious possession of any contraband. It is argued that the question of conscious possession is absent in the present case and the rigours of Section 37 of the NDPS Act would not be attracted against the petitioner, as no recovery has been effected from him. Reliance has been placed upon the judgment of the Hon'ble Supreme Court in Ram Singh v. Central Bureau of Narcotics, (2011) 11 SCC 347, and the judgment of this Court in Dharamveer and another v. State of Punjab, to contend that in the absence of recovery from the accused, the provisions of Section 37(1)(b)(ii) of the NDPS Act are not attracted.

3.2 It is further submitted that the petitioner is in custody since 11.03.2026 and the challan already stands presented on 05.05.2026, while charges were framed on 22.05.2026. The case is still at the stage of



prosecution evidence and is likely to take considerable time for conclusion. Therefore, continued incarceration of the petitioner would serve no useful purpose.

3.3 Learned counsel submits that the petitioner is a 43-year-old labourer belonging to a poor family, has no criminal antecedents, and is not likely to abscond or misuse the concession of bail. The petitioner undertakes to abide by all conditions imposed by this Court and to cooperate with the trial. On these grounds, learned counsel prays for grant of regular bail.

4. Notice of motion.

5. Mr. Tanuj Sharma, AAG, Haryana, who is present in Court accepts notice on behalf of the State and opposes the grant of regular bail and submits that the allegations against the petitioner are serious in nature as commercial quantity of contraband was recovered from co-accused Pardeep Singh and the petitioner has been nominated as the supplier of the said contraband during investigation.

5.1 Learned State counsel further submits that the disclosure statement of the co-accused reveals the involvement of the petitioner and the allegations attract the provisions of Section 29 of the NDPS Act. It is argued that in view of the commercial quantity involved, the restrictions contained under Section 37 of the NDPS Act are attracted and the petitioner does not deserve the concession of regular bail. It is further submitted that release of the petitioner on bail at this stage may adversely affect the trial and there is a possibility of his influencing the prosecution witnesses. Accordingly, dismissal of the present bail application is prayed for.



6. This Court has considered the rival submissions and perused the record.

7. The allegations against the petitioner are serious in nature, as commercial quantity of contraband was allegedly recovered from co-accused and the petitioner has been nominated on the basis of the disclosure statement of the co-accused. The allegations also attract the provisions of Section 29 of the NDPS Act. At this stage, in view of the embargo contained under Section 37 of the NDPS Act, this Court is not satisfied that the petitioner is entitled to the concession of regular bail.

8. Accordingly, the present petition is dismissed. It is clarified that the observations made hereinabove shall have no bearing on the merits of the case during the course of trial.

(VIRINDER AGGARWAL)
JUDGE

15.07.2026
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*