



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-32710-2024 (O&M)
Date of Decision:-3.10.2024

Nandlal Dhakad ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Lakshman Sharma, Advocate for the petitioner.
Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
0385	24.10.2023	Badhra, District Charkhi Dadri, Haryana	17-61-85 of NDPS act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. As per the case of prosecution, co-accused Satish and Hans Raj were apprehended by the police, who were found in possession of 173 grams of ‘Opium’. It is further the case of prosecution that during the course of interrogation, they disclosed that they had procured the said contraband from the petitioner.



3. Learned counsel for the petitioner submits that neither the petitioner is named in the FIR nor he was ever found in possession of any contraband in the present case and as such, he deserves the concession of bail as he has been nominated only on the basis of a disclosure statement, which would not carry any evidentiary value.
4. Opposing the petition, learned State counsel submitted that the petitioner having been specifically named by the persons, who were found in possession of contraband, his complicity is clearly evident. It has further been submitted that the petitioner is involved in 5 more cases under the NDPS Act, however, as per specific averments made in para 9 (VIII) of the petition, he stands acquitted in 3 of such cases. Learned State counsel has informed that the petitioner as on date has been behind bars since the last about 6 months and 5 days and that although challan has been presented, but no PW has been examined till date.
5. This Court has considered rival submissions addressed before this Court.
6. The question as regards admissibility of the disclosure statement would certainly be debatable. In any case, it is a case of recovery of 'non commercial' quantity of contraband from co-accused. The petitioner has been behind bars for a substantial period of more than 6 months and the trial has not even commenced till date. Under these circumstance, further detention of the petitioner will not serve any useful purpose.
7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of



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learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

3.10.2024

Geeta

(Gurvinder Singh Gill)
Judge

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