



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

CRM-M No.36167 of 2024
Date of decision: 2nd August, 2024

Manoj Dangi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Partap Singh, Mr. Vikas & Mr. Santosh Bhardwaj,
Advocates for the petitioner.

Mr. Gagandeep S. Chhina, Asst. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.145 dated 12.07.2020 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 18(b), 27-A, 29 of the NDPS Act added later on) registered at Police Station Cheeka, District Kaithal.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 25.11.2021; no secret information was received qua his involvement in the present case, even though there was a specific secret information received qua three other co-accused, i.e. Ramesh Kumar, Sher Singh and Ashok Kumar. The police, pursuant to the secret information, intercepted co-accused and apprehended accused Ramesh Kumar at the spot and recovery of 31 kgs of Opium was allegedly



affected from him, while the other two fled away. Learned counsel has asserted that undisputedly the petitioner was not even present with the co-accused, neither was he named in the secret information received. He, however, came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by one accused Sandeep Dangi, that too in another case under the NDPS Act, wherein he claimed that the petitioner was the supplier of the recovered contraband along with him. Learned counsel has also argued that the disclosure statement, on the basis of which the petitioner was nominated as an accused, was recorded after 1 year and 4 months of the alleged recovery. He has further submitted that such disclosure statement has a very poor evidentiary value and it needs to be appreciated in the light of no recovery of any contraband much less Opium being affected from him on his arrest on 25.11.2021. It has also been brought to the notice of this Court that the co-accused Ramesh Kumar, from whom the alleged recovery of 31 kgs of Opium was affected and that too, pursuant to a specific secret information, had since been extended the concession of bail by Hon'ble the Supreme Court vide order dated 03.04.2024 (Annexure P-3). A prayer has therefore, been made for extending the concession of bail to the petitioner, as it is a matter of record that only 2 prosecution witnesses out of the 39 cited have been examined till date and hence, the trial is unlikely to conclude in the near future.



3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the stage of trial and it has also not been disputed that co-accused Ramesh Kumar, who had not only been named in the secret information but from whom recovery of 31 kgs of Opium had been affected, has since been granted the concession of bail by the Hon'ble Supreme Court on account of his long incarceration and the possibility of the trial unlikely to conclude soon. Learned State counsel, on further instructions, has also not disputed that the disclosure statement, on the basis of which the petitioner came to be nominated as an accused in the present case, was recorded after 1 year and 4 months of the alleged recovery and the said disclosure statement was recorded by one accused Sandeep Dangi in another case wherein he stated that he along with the present petitioner had supplied 60 kgs of Opium to the co-accused Ramesh Kumar and others. Learned State counsel has, however, submitted that the petitioner is involved in 2 other cases registered by the NCB, in which also a recovery of Opium was allegedly affected from the accused.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody for more than 2 ½ years, having been arrested on 25.11.2021. As not disputed, the petitioner



came to be nominated as an accused on the basis of disclosure statement allegedly suffered by co-accused Sandeep Dangi, in another case, and who too has since been extended the concession of bail on account of his long incarceration. In the present case, as not disputed by the learned State counsel, no recovery of any contraband was affected after the petitioner was arrested. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

August 2, 2024
rps

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