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

**CRM-M No.2310 of 2025
Date of Decision: 24.07.2025**

Deven Kashyap**..... Petitioner****Versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Surikshan Sharma, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.62, dated 21.01.2024, under Sections 22(C), 29 of NDPS Act, registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. Succinctly the facts of the case are that on 21.01.2024, the police party while on patrolling, received a secret information to the effect that Gopal @ Vicky is involved in selling the drugs. It was informed that he would be go towards Bank Colony, Yamuna Nagar on Hero Splendor Motorcycle with a yellow coloured polythene and in case of raid, he could be apprehended along with the contraband. On receiving the secret information reliable, the raiding party was constituted and the



police reached at the place informed by the secret informer. The motorcycle as disclosed was seen coming. The person, on seeing the police, got perplexed, however he was stopped. On asking, he disclosed his name as Gopal @ Vicky. He was suspected to be carrying some contraband in the polythene being carried by him on the motorcycle and thus, on giving the offer, the same was searched. On conducting the search, 680 capsules of Tramadol were recovered from him. He failed to produce any licence regarding the conscious possession of the same. Thus the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, disclosure statement of Gopal @ Vicky was recorded on the same day wherein he nominated one more accused, namely, Lakhwinder Singh. Disclosure statement of Lakhwinder Singh was recorded on 27.01.2024. He made a disclosure about the present petitioner, Deven Kashyap, by stating that he purchased the contraband from the petitioner. Thus the petitioner was also arrayed as an accused in the present case on 27.01.2024. Resultantly, he was arrested on 20.07.2024. The petitioner approached the Court of learned Additional Sessions Judge, Yamuna Nagar, praying for the grant of bail. However after hearing both the sides, the learned Additional Sessions Judge, Yamuna Nagar, finding no merit in the same, dismissed the petition filed by the petitioner vide his order dated 05.11.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition for the grant of regular bail.



3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that the petitioner was neither named in the FIR, nor any recovery has been effected from him, however he has been implicated in the present case on the basis of disclosure statement of co-accused, namely, Lakhwinder Singh, who was nominated in this case on the basis of disclosure statement of co-accused, namely, Gopal @ Vicky, from whom the recovery of 680 capsules of Tramadol was effected. He has submitted that on the same very day, the petitioner was falsely implicated in one more case bearing FIR No.27, dated 21.01.2024, under Section 22(C) of NDPS Act. He has submitted that co-accused, Lakhwinder Singh has already been granted bail by this Court vide order dated 11.02.2025 passed in CRM-M-38145-2024. He has submitted that the petitioner has been implicated falsely in both the cases. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that on receiving the secret information about the co-accused, Gopal @ Vicky, he was arrested along with the contraband, i.e. 680 capsules of Tramadol. He has submitted that as per the FSL report, the quantity recovered from co-accused is 357 grams, which is a commercial quantity and thus the provisions of Section 37 of NDPS Act are attracted. He has submitted that as per the disclosure statement of co-accused, the



complicity of the petitioner was found, who has been found to be a supplier of this contraband recovered from the co-accused, Gopal @ Vicky. He has submitted that the petitioner is involved in one more case. He, on instructions has submitted that out of 17 prosecution witnesses, none has been examined till date. He has thus submitted that no case for the grant of bail to the petitioner is made out and the present petition deserves to be dismissed.

5. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner has challenged his false implication in the second FIR bearing No.27, dated 21.01.2024, under Section 22(C) of NDPS Act and this Court had already marked an independent inquiry by the DGP

6. However learned State counsel has refuted the same and has submitted that the contentions raised by learned counsel for the petitioner are factually incorrect as the petition bearing CRM-M-17332-2025 filed by the petitioner was disposed of with liberty to the petitioner to file an appropriate representation to the DGP vide order dated 07.05.2025. He has submitted that the petitioner is a habitual offender.

7. Heard.

8. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case on the basis of disclosure statement of co-accused. The contraband recovered weighs 680 capsules of Tramadol is commercial in nature. As submitted before this Court by the learned State counsel, the

petitioner is involved in one more case under the NDPS Act itself. Out of 17 prosecution witnesses, no witness has been examined till date. Custody certificate reveals that the petitioner has completed incarceration of 01 year and 04 days as on 23.07.2025. It further shows that the petitioner is involved in one more case.

8. Keeping in view the above said position, this Court does not find any ground to release the petitioner on bail at this stage. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

24.07.2025

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

(RAJESH BHARDWAJ)
JUDGE