

2025:PHHC:033835



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

CRM-M-2602-2025 (O&M)

Reserved on : 06.03.2025

Pronounced on : 11.03.2025

Nawab Ahmed

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Davneet Sangwan, Advocate
for the petitioner.

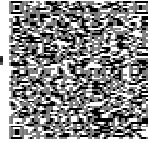
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 713 dated 24.07.2024, registered under Sections 22C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 24.07.2024, on the basis of a secret information, co-accused Tasleem Salmani @ Monu was apprehended by the police party and recovery of 700 capsules having salts of *Tramadol HCL*, *Paracetamol* and *Dicylomine* and 480 capsules of *Dicylomine HCL* and *Acetaminophen*, weighing 644.8 grams, was effected. On interrogation, he disclosed that he used to purchase intoxicant capsules from the present petitioner. On the basis of the same, the petitioner was nominated in this case and was arrested on 16.09.2024. On interrogation, he disclosed that he used to purchase the intoxicant drugs from one Aman. After

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completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offence. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 09.01.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by aforesaid co-accused, which is not admissible in evidence. There is nothing on record to connect the petitioner with the subject crime. No subsequent recovery has been effected from him. Even otherwise, investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. The petitioner is in custody since 16.09.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Reply has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana has argued that although the petitioner was nominated in this case on the basis of the disclosure statement suffered by the aforesaid co-accused but during the course of investigation, his complicity in the subject crime has been duly established. He used to supply the intoxicant drugs to co-accused Tasleem Salmani @ Monu by purchasing the same from co-accused Aman, who is resident of District Saharanpur, Uttar Pradesh. Call details record of co-accused Tasleem Salmani @ Monu was procured and on analysis of the same, it was found that the petitioner had exchanged 227 calls with him over his phone, which shows that the petitioner was actively involved in the commission of subject crime. The petitioner is

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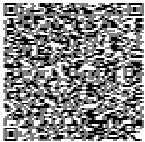


involved in one more case under the NDPS Act. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused Tasleem Salmani @ Monu, who was apprehended by the police party at the spot on 24.07.2024 and from whom recovery of huge quantity of intoxicant capsules was effected. The allegations against the petitioner are that he used to sell the intoxicant capsules to co-accused Tasleem Salmani @ Monu by purchasing the same from co-accused Aman. It has surfaced in the investigation that the petitioner had sold the recovered contraband to the co-accused for a sum of Rs. 12,000/-. It has also come on record that the petitioner was in constant touch with co-accused Tasleem Salmani @ Monu over phone as they had exchanged as many as 227 calls during the period from 24.05.2024 to 24.07.2024. The criminal antecedents of the petitioner are also not clean as he is shown to be involved in one more case under the NDPS Act. Trial is going on at a proper pace and there is nothing on record to show that there would be any undue delay in conclusion of the same. The apprehension expressed by learned Assistant Advocate General, Haryana that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and

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circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

11.03.2025
Museem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No