



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

232

CRM-M-4704-2025

Date of decision: 26.05.2025

Satish Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.225 dated 21.08.2024 under Sections 22-c, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadhaura, District Yamuna Nagar.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 28.10.2024 in an apparent case of false implication. It has been asserted that it is a matter of record that the petitioner has clean antecedents and has never been booked in any criminal case much less under the NDPS Act. It has been further submitted that although a secret information was received qua the involvement of co-accused Sintu Kumar that he was indulging in sale and purchase of drugs, however, no such information was received qua the petitioner. Learned counsel has further argued that after co-accused



CRM-M-4704-2025

Sintu Kumar was arrested and interrogated he allegedly suffered a disclosure statement wherein he named the petitioner as an accused. Learned counsel has contended that the disclosure statement on the basis of which the petitioner has been arraigned as an accused holds little evidentiary value. It has also been submitted that on being arrested, no recovery of any contraband was made from him which further lends credence to the petitioner's innocence. Learned counsel prays that in the circumstances, moreso since investigation is complete and charges also stand framed, the petitioner be enlarged on bail since none of the 26 witnesses have been examined so far, hence, the possibility of the trial concluding in the near future does not arise.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has he, on instructions, disputed that the petitioner has clean antecedents; it has also not been disputed on instructions that on being arrested following the disclosure statement suffered by co-accused Sintu Kumar, no recovery of any contraband/narcotic substance was made from the petitioner. However, learned State counsel has submitted that the recovery effected in the instant case i.e. 441 grams of Tramadol along with 14.58 grams of Alprazolam which was made from the co-accused is classified as 'commercial' under the NDPS Act. Learned State counsel has also submitted that the investigating agency had collected documentary evidence in the shape of some telephonic calls between the petitioner and the co-accused which made it clear that the



CRM-M-4704-2025

petitioner was the supplier of the recovered contraband.

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

5. The petitioner, who was arrested on 28.10.2024, following his name surfacing in the disclosure statement of co-accused Sintu Kumar, has no previous criminal antecedents. It is undisputed that no recovery of any contraband was made from the petitioner. The possibility of the trial concluding in the near future seems unlikely in view of the fact that none of the 26 witnesses have been examined so far. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

26.05.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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