



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M No.7723 of 2025
Date of decision: 17.02.2025

Irfan
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kapil Aggarwal, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No.120 dated 21.08.2024 registered under Section 21(c) of the NDPS Act at Police Station Bicchor, District Nuh.
2. As per the prosecution case, on 21.08.2024, ASI Manoj Kumar, along with a police team, was on crime prevention duty near Jurhera turning, Punhana, when they received a secret information about Irfan (petitioner herein), who was allegedly involved in the illegal sale of Codeine syrup. Acting on this tip, a raiding party was formed, and after following proper procedures under Section 42 of the NDPS Act, a barricade was set up on Punhana-Tirwada Road. Shortly after, the suspect's grey WagonR car bearing registration No.HR-51AM-4509, was intercepted. Upon stopping the vehicle, Irfan was informed of his

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legal right under Section 50 of the NDPS Act to have his search conducted before a Gazetted Officer or Magistrate. He opted for conducting his search before the Duty Magistrate at the spot, following which Sh. Subham Sachan, Agriculture Development Officer, Punhana, arrived at 3:50 PM. After completing the personal search of ASI Manoj Kumar as per protocol, Irfan was searched, and his vehicle was inspected, which led to recovery of 240 bottles (100ml each) of Codeine Phosphate Triprolidine Hydrochloride Syrup (ONEREX) from the car's trunk (diggy). Thereafter, the FIR (supra) has been registered.

3. Learned counsel for the petitioner inter alia contends that the case of the prosecution is based upon a secret information and the petitioner after sighting the police party never tried to run away from the spot and no independent witness has been associated during the course of investigation and there is non-compliance of mandatory safeguards as provided under the NDPS Act and in fact, the petitioner was unwell, which is evident from his medical report annexed with the instant petition and the medical record pertains to 02 days prior to the alleged recovery and as such, the petitioner was not physically fit or in a position to carry such a huge quantity of contraband.

4. Per contra, learned State counsel opposes the prayer made by the petitioner on the ground that the petitioner is a habitual offender and he was apprehended at the spot and a huge quantity of the contraband has been recovered from the conscious and exclusive possession of the petitioner and he was arrested at the spot and the

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recovered contraband is 24 time more than the commercial quantity and the petitioner is involved in one more case.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. Considering the gravity of the allegations, the huge quantity of contraband recovered from the petitioner, and the stringent provisions of the NDPS Act, the statutory bar under Section 37 of the NDPS Act applies, requiring the petitioner to satisfy twin conditions for the grant of bail. Given that the quantity recovered is significantly above the commercial threshold, and in the absence of any cogent material to prima facie disbelieve the prosecution's case, no ground is made out for the grant of regular bail to the petitioner.

7. Accordingly, the petition stands dismissed.

(HARPREET SINGH BRAR)
JUDGE

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