

2025:PHHC:085180



220.

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

CRM-M-5663-2025

Date of decision: 14.07.2025

Riyaz

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Molly Tarunima Tagore, Advocate, for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of BNSS, 2023, in case FIR No.440, dated 23.10.2024, under Sections 21(b), 29 of NDPS Act, 1985, registered at Police Station Gandhi Nagar, Yamuna Nagar.

2. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the instant case. It has been submitted that the recovery in question is of non-commercial quantity (11 grams of heroin), and that no recovery has been effected from the petitioner. Attention has also been drawn to the FIR (Annexure P-1), to emphasise that the petitioner has not been named therein. Learned counsel has further urged that the petitioner's subsequent implication in the present

case is solely on the basis of a disclosure statement made by co-accused, Rahul alias Kaka, from whom, the contraband was purportedly recovered. Learned counsel has also submitted that such disclosure statements, being inadmissible under Section 25 of the Indian Evidence Act, cannot form the foundation for implicating the petitioner. It has still further been contended that the call detail records (CDRs), relied upon by the Investigating Agency, do not disclose any incriminating material, nor is there any specific overt act attributed to the petitioner. It has lastly been contended by the learned counsel that since the petitioner has complied with the order dated 31.01.2025 and joined investigation, the said order be made absolute.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that the petitioner has failed to cooperate with the Investigating Agency and has been totally evasive during investigation and, therefore, his custodial interrogation is required. It has still been submitted that the petitioner is not a first-time offender but has previously been implicated in FIR No.341, dated 07.07.2023 under similar provisions of the NDPS Act, wherein he is presently on bail. It has been asserted by the learned State counsel that the petitioner has clearly misused the concession of bail which was granted to him in FIR No.341, dated 07.07.2023 and, therefore, on this ground also, he does not deserve the concession of bail. Furthermore, it has been submitted by the learned State counsel that besides non-cooperation by the petitioner with the Investigating Agency, the CDRs reveal frequent and sustained communication between the petitioner and co-accused, Rahul

alias Kaka, with as many as 34 calls exchanged between 23.08.2024 and 23.10.2024. This, as per the learned State counsel, strongly corroborates the role of the petitioner in the supply chain of the contraband. Therefore, a prayer has been made for dismissal of the instant petition as the custodial interrogation of the petitioner could lead to unearthing the broader nexus involved in the narcotic traits.

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

5. At the outset, it may be pointed out that while the quantity of contraband recovered in the present case indeed falls within the non-commercial quantity, the gravity of the offence cannot be assessed solely on that basis. The NDPS Act treats all offences with a high degree of seriousness, and the involvement of a person in multiple cases under the Act calls for heightened scrutiny by this Court.

6. Admittedly, the petitioner is already facing prosecution in FIR No.341, dated 07.07.2023 under similar provisions of the NDPS Act. The fact that the present offence is alleged to have been committed while the petitioner was already on bail cannot be ignored at this stage. It reflects a prima facie pattern of continued disregard for the law.

7. Moreover, the petitioner's implication in the present case, although not supported by direct recovery of any contraband, is not without circumstantial support. The repeated and close telephonic contact between the petitioner and the co-accused, as is evident from the CDRs, provides a

prima facie link that cannot be ignored at this stage. The alleged non-cooperation by the petitioner with the investigation and evasiveness in disclosing critical information, and the whereabouts of his mobile phone and possible monetary gains from drug trafficking, further compounds the suspicion against him.

8. In the present case, given the antecedents of the petitioner, repeated involvement in narcotic offences, and the necessity of custodial interrogation for effective investigation, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

9. Present petition stands dismissed accordingly.

10. 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.

(MANJARI NEHRU KAUL)
JUDGE

July 14, 2025

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No