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

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CRM-M-10883-2025 (O&M)
Date of decision : 24.03.2025

Arshad**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Shahid Anwer Chaudhary, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of anticipatory bail to the petitioner in FIR No. 0464 dated 18.11.2024, registered under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (*for short 'NDPS Act'*) Police Station Madhuban, District Karnal.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that on 18.11.2019, on the basis of a secret information, co-accused Bhag Singh and Balihar Singh, while coming on a motorcycle bearing registration number HR-75-A-6734, were apprehended by a police party headed by SI Rohtash and recovery of 14 grams of heroin was effected from. They were formally apprehended at the spot. During the course of disclosure statements of above named co-accused were recorded, wherein they disclosed that they had purchased the recovered contraband from the present petitioner. On the basis of the same, the petitioner has been

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nominated in this case as an accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Karnal but the same had been dismissed, vide order dated 18.02.2025.

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 the aforesaid co-accused, which is not admissible in evidence. More so, the alleged recovery of the contraband effected from the co-accused does not fall under commercial quantity. The petitioner is not involved in any other case under the NDPS Act. He is ready to join the investigation. No recovery is to be effected from him. No useful purpose would be served by detaining him into custody. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana has argued that although the petitioner has been nominated in this case on the basis of the disclosure statement suffered by aforesaid co-accused but during the course of investigation, his complicity has been established. The allegations against him are that he has supplied the recovered contraband to the co-accused. Custodial interrogation of the petitioner is required. It is, thus, urged 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 statements suffered by the above named co-accused, who

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were arrested at the spot and from whom, recovery of 14 grams of heroin was effected. The allegations against the petitioner are that he had supplied the recovered contraband to the co-accused. The petitioner has clean criminal antecedents as he is not shown to be involved in any other case previously. Admittedly, the quantity of the contraband allegedly recovered from the co-accused does not fall within the ambit of commercial quantity. It is a question of debate as to whether the petitioner was involved in sale/purchase of the contraband or not? In view thereof, I am of the considered opinion that the custodial interrogation of the petitioner is not required. Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the compliance of conditions envisaged under Section 482(2) of BNSS. He is directed to appear before the Investigating/Arresting Officer to join investigation within a period of ten days from today or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on bail subject to his/her satisfaction.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

24.03.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*