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

**CRM-M-12124-2025
Date of Decision:07.03.2025**

VISHAL DHURIA ALIAS RAJU

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Honey Passi, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 of CR.P.C, with a prayer to grant regular bail to him in case FIR No.151 dated 26.05.2023, registered under Sections 22(c) of the NDPS Act, 1985 (Section 29 of NDPS Act added later on), Police Station Special Task Force, Phase-4, District SAS Nagar Mohali.

2. Learned counsel for the petitioner contends that as per the case of the prosecution, on receipt of the secret information one Navdeep Kumar was apprehended by the Police, while he was carrying 5400 intoxicant tablets of Alprazolam and 11400 intoxicant tablets of Tramadol Hydrochloride without any permit or licence. The petitioner was not initially named in the FIR and has



been nominated as an accused on the basis of the disclosure statement suffered by Navdeep Kumar and the admissibility of such a statement is yet to be adjudicated by the trial Court during the course of trial. She further contends that the petitioner is running a chemist shop and is holding a valid chemist licence. Even the co-accused Navdeep Kumar was running a medical store under the name and style of Kohli Medical Store and he used to purchase other medicines from the petitioner and also used to deposit money for supply of those medicines. Thus, the petitioner had no concern with the recovery, which was allegedly effected from accused Navdeep Kumar and the petitioner has been wrongly implicated on the basis of the call details between the petitioner and accused Navdeep Kumar. She further contends that the petitioner is in custody since 11.09.2023 and challan has already been presented against him. Moreover, no recovery was effected from the petitioner.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that there is one more case under the provisions of NDPS Act registered against the petitioner and he does not deserve the concession of bail by this Court.

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

5. It is admitted case of the prosecution that no recovery was effected from the petitioner and has been arrayed as accused on the basis of disclosure statement suffered by the co-accused as well as the call details between both of them. However, the admissibility of such evidence is yet to be decided by the trial court. The investigation has already been completed in the present case and the trial is not likely to conclude in near future.



6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety bond to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*



7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

07.03.2025
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(N.S. SHEKHAWAT)
JUDGE

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