



Satpal Singh, in which it was mentioned that accused Makhan Singh, Sajjan Singh and William Masih were apprehended, while they were travelling in a Venue car while co-accused Harpal Singh @ Bhalla was driver, who had managed to escape. 4 kg 660 grams of heroin was recovered from the said car along with one revolver, which were taken into possession. During investigation, Harpal Singh was arrested on 31.12.2024, wherein he suffered disclosure statement to the effect that he was indulging in smuggling of heroin by getting the supply from some Molvi in Pakistan and his friend Deepali Sharma (petitioner) was associated with him in all his works and he nominated petitioner as a co-accused. Thereafter, petitioner was arrested on 31.12.2024 and she also suffered disclosure statement to the effect that she was indulging in smuggling of narcotics alongwith her friend Harpal Singh and she too helps him in all his illegal activities. After completion of investigation, final report was presented and accused are facing the trial.

5. Learned counsel for the petitioner contended that three accused were apprehended by the Police party at the spot and 4 kg 660 grams of heroin was recovered alongwith one revolver. One of the accused namely Harpal Singh had allegedly escaped and was not apprehended at the spot but he was arrested on 31.12.2024 and said Harpal Singh nominated petitioner as his associate in committing the crime. Learned counsel next contended that disclosure statement suffered by co-accused Harpal Singh, whereby she has been nominated as an



accused and the disclosure statement of petitioner herself, wherein she admitted having helped co-accused Harpal Singh in illegal activities are inadmissible in evidence and cannot be used against her. No recovery of any contraband has been effected from the petitioner, who is in custody since 31.12.2024. Challan has already been presented, after completion of investigation and out of total 17 witnesses cited by the prosecution, not a single witness has been examined till date and the trial is likely to take sufficiently long time to conclude. Learned counsel next contended that since no recovery has been effected from the petitioner, rigors of Section 37 of NDPS Act are not attracted against her and in view of her prolonged incarceration, she is entitled to be released on bail.

6. On the other hand, learned State counsel has opposed the bail and argued that petitioner has committed a heinous crime and she does not deserve the concession of regular bail.

7. Petitioner has been nominated as an accused in the disclosure statement suffered by co-accused Harpal Singh, who himself had not been apprehended at the spot. The contraband was recovered from three persons namely Makhan Singh, Sajjan Singh and William Masih, who had been apprehended at the spot. Petitioner was nominated as an accused by co-accused Harpal Singh in his disclosure statement. As to how much evidentiary value will be attached to the disclosure statement of co-accused and that of petitioner herself shall be subject matter of the trial and this fact can be decided after the prosecution leads its evidence.



Petitioner is in custody since 31.12.2024 and not a single witness has been examined till date out of total 17 witnesses cited by the prosecution. Moreover, no recovery has been effected from the petitioner and rigors of Section 37 of NDPS Act are thus not attracted against her and in view of her prolonged incarceration and the fact that nothing has been recovered from her possession, petitioner is entitled to be released on bail.

7. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioner is ordered to be released on bail on her furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions. However, in addition to the terms and conditions that may be imposed by the trial Court/Duty Magistrate concerned, petitioner shall remain bound by the following conditions:-

- (i) Petitioner shall not misuse the concession of bail granted to him.
- (ii) Petitioner shall not tamper with any evidence, oral or documentary during the trial.
- (iii) Petitioner shall regularly appear before the trial Court and he will not commit any offence of similar nature while on bail.
- (iv) Petitioner shall deposit his passport, if any, with the trial Court.
- (v) Petitioner shall not in any manner delay the trial.



In case of breach of any of the aforesaid conditions or the conditions that may be imposed by the trial Court or upon any other sufficient cause, the State shall be at liberty to apply for cancellation of bail.

05.09.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No