

2025:PHHC:098887



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

239

CRM-M-11956-2025 (O&M)
Date of decision: 04.08.2025

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

Present:- Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 333 dated 15.05.2023, registered under Sections 22C and 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Indri, Karnal, District Karnal.

2. Brief facts of the case relevant for the disposal of the present petition are that on 15.05.2023, a secret information was received that one Ajay @ Sush was indulged in selling intoxicating drugs and he had hired the present petitioner to sell such drugs. Believing the information to be reliable, a barrier was laid at the informed place. The petitioner, while coming on a motorcycle bearing registration number HR-75-C-4446, was apprehended by the police party and recovery of 11 sealed plastic bottles of cough syrup, each containing 100 ml, having salts of *Chlorampheniramine Maleate* and *Codeine Phosphate*, was effected from him. Since the petitioner could not produce any valid license or permit to keep in his possession the recovered drugs, he was formally arrested

2025:PHHC:098887



at the spot. During interrogation, he suffered disclosure statement admitting his involvement in the subject crime. Co-accused Ajay @ Sush was also arrested. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Mandatory provisions of the NDPS Act were not complied with. No independent witness was joined at the time of effecting alleged recovery. The quantity of the recovered contraband is otherwise marginally higher than the commercial quantity. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 15.05.2023. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Reply has been filed by the respondent-State. Learned Assistant Advocate General, Haryana has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. It is, thus, argued 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. As per the allegations, the petitioner was apprehended by the police party on 15.05.2023 and recovery of 11 sealed plastic bottles of cough syrup,

2025:PHHC:098887



total containing 1100 ml, having salts of *Chlorampheniramine Maleate* and *Codeine Phosphate*, was effected from him. The said quantity of the contraband falls within the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. A perusal of the reply reveals that the petitioner has been convicted in three cases, out of which, one case has been registered under the NDPS Act. In view thereof, the apprehension expressed by learned State counsel that if he is released on bail, he may abscond or indulge in similar offences, cannot be stated to be unfounded. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 483 of BNSS. Keeping in view the discussion as made above, the quantity of recovered contraband, the antecedents of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

04.08.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No