

2025:PHHC:085163



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

234

CRM-M-12459-2025 (O&M)

Date of decision: 15.07.2025

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

Present:- Mr. Parmender Singh, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition, which has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in case bearing FIR No. 438 dated 23.06.2023, registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Thanesar Sadar, District Kurukshetra. The first petition, bearing number **CRM-M-8935-2024**, was dismissed as withdrawn on 04.09.2024.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 23.06.2023, on the basis of a secret information, the petitioner and co-accused Santosh Kumar Yadav were apprehended by a police party and recovery of 03 kgs. 100 grams of opium was effected from a bag which the petitioner was carrying. Upon interrogation, the petitioner suffered disclosure statement admitting his guilt and further disclosed that he

2025:PHHC:085163



had received the recovered contraband from an unknown person from Jharkhand to deliver the same at Kurukshetra against a sum of Rs. 4.5 Lakhs. On the basis of the disclosure statement suffered by the petitioner, some other persons were also nominated in this case. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offence.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. In fact, the alleged recovery was planted one. The petitioner has clean antecedents and is not involved in any other case. He is in custody since 23.06.2023. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Co-accused Deepak Kumar, Pawan Kumar Tiwari and Santosh Kumar Yadav have already been granted concession of regular bail by this Court. On the grounds of parity, the petitioner too deserves the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana has argued that the petitioner is not entitled to get benefit of bail as he was nabbed at the spot and recovery of commercial quantity of opium was recovered from him. His story regarding false implication and plantation of the recovered contraband is concocted one. It is further argued that since the quantity of the

2025:PHHC:085163



contraband recovered from the petitioner falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against him. The trial may be expedited. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. The case of the co-accused, who have been granted concession of regular bail, cannot be stated to be at par with that of the petitioner. Hence, it is 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. In pursuance of a secret information received by the Investigating Officer, the petitioner was apprehended on 23.06.2023 and recovery of 03 kgs. 100 grams of opium was effected from him. The said quantity of the contraband obviously falls within the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him. As such, the petitioner cannot claim parity with the co-accused, who have been granted concession of regular bail as no recovery of any contraband whatsoever was effected from them and they, except co-accused Santosh Kumar Yadav, were nominated in this case on the basis of the disclosure statement. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

2025:PHHC:085163



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.

15.07.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>