



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

CRM-M-12553-2025
Date of decision: 10.07.2025

MANOJ KUMAR ALIAS MAUJI

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Ramandeep Kaur, Advocate for
 Mr. Monty Goyal, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This is the first petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in
case bearing FIR No.04 dated 04.01.2025 registered under Sections 22, 22(C),
29/61/85 of NDPS Act, 1985 at Police Station S.T.F., District SAS Nagar.

2. As per the prosecution version, the instant FIR was registered on
the basis of secret information and in pursuance thereof, 1188 strips each
containing 10 tablets and total 11880 tablets of Alprazolam tablets having
batch No.ENT 36, manufacturing date: 06/2024, expiry date: 05/2026 were
recovered from the conscious possession of co-accused Abhishek Sharma @
Abhi and Pawan Kumar without any licence or permit, on 03.01.2025 in
the area of Dana Mandi T-Point, Arora Palace, Ludhiana, when they were
traveling on Splendor motorcycle bearing registration No.PB-10-FD-2896.
During investigation, record regarding manufacturing firm M/s Euphoria India
Pharmaceuticals was collected, from which, it was found that the recovered



intoxicating tablets were sold to M/s Gauri Ganesh Pharma, 138/81, Dhakna Purwa Transport Nagar, Kanpur (UP). Regarding the record obtained from the firm of co-accused, Ompal Singh, Drug Inspector, Kanpur Nagar, U.P. had also given report that no such firm by the name of M/s Gauri Ganesh Pharma existed nor any Drug Licences No.UP7820B003523 and UP7821B003524 were ever issued to any firm. The co-accused also could not produce any document regarding verification of firm and above-said drug licences by the owners/partners of firm M/s Euphoria India Pharmaceuticals. The petitioner was nominated as accused on 05.01.2025, on the basis of disclosure statement of co-accused Pawan Kumar that they had been supplied with the said tablets by petitioner.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated as he is not named in the FIR (*supra*) and nothing has been recovered from his conscious possession. Admittedly, the alleged contraband was recovered from the conscious and exclusive possession of co-accused, namely, Abhishek Sharma @ Abhi and Pawan Kumar. She further contends that the petitioner has been nominated as accused on the basis of disclosure statement made by co-accused, Pawan Kumar, during his custodial interrogation, which has no evidentiary value in the eyes of law and it is a trite law that any statement recorded by the police official under Section 67 of NDPS Act, would be hit by provisions contained in Sections 25 and 26 of the Evidence Act. Furthermore, apart from the disclosure statement of co-accused, there is no other material evidence, forensic or otherwise to connect the petitioner with the alleged offence. The



petitioner is not involved in any other case and is behind the bars since 08.01.2025.

4. Learned State counsel has filed short reply by way of affidavit of Harpal Singh, PPS, Deputy Superintendent of Police, Anti Narcotics Task Force, Ludhiana Range, Ludhiana on behalf of respondent-State. The same is taken on record. A copy thereof has been supplied to learned counsel for the petitioner. He produces the custody certificate of the petitioner also, which is taken on record and *per contra* opposes the prayer for grant of regular bail to the petitioner on the ground that he is part of a gang, who was involved in drug trafficking and the complicity of the petitioner is duly established. As such, he is not entitled to any relief. However, he could not controvert the fact that the petitioner is not involved in any other case.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 06 months and 01 day. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case will take considerable long time to conclude as out of 31 prosecution witnesses, not a single witness has been examined till date. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner.

6. A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of



prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

7. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner- Manoj Kumar @ Mauji is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

July 10, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No