



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

235

CRM-M-13232-2025 (O&M)
Date of Decision:- 25.04.2025

VIMAL

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Abhimanyu, Advocate for the petitioner.

Mr. Amrik Narwal, DAG Haryana

SANJIV BERRY, J. (ORAL)

1. Reply dated 24.04.2025 filed in the form of affidavit of Assistant Commissioner of Police, Old District Faridabad, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
508	25.12.2024	15 NDPS Act	Kheripul, District Faridabad

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on the basis of alleged disclosure statement made by co-accused Rajesh from



whom the alleged recovery of contraband had been affected. He submits that the petitioner has no concern whatsoever with the alleged recovery or the said co-accused. He further submits that the petitioner is in custody since 01.02.2025, and after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time. Thus prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the reply filed by the State has opposed the petition and contended that the petitioner had been nominated on the disclosure statement of co-accused Rajesh from whom 5.27 KG of poppy husk was recovered. He contends that the petitioner is the supplier of the contraband, as such, does not deserve the concession of bail. He has, however, not disputed that challan has been presented in Court.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, the co-accused Rajesh was apprehended by the police and from his conscious possession, 5.27 KG of poppy husk was allegedly recovered. During interrogation, he disclosed the petitioner to be the supplier thereof and accordingly the petitioner was nominated and arrested in this case on 01.02.2025. After the completion of investigation, challan has already been presented in Court where it is pending trial.

7. Admittedly, after the petitioner having been nominated on the basis of disclosure statement of co-accused and formally arrested in this case, no recovery of contraband has been effected from the petitioner and



except for the disclosure statement of co-accused Rajesh, there is nothing on record to connect the petitioner with the said contraband. The conclusion of trial will take sufficient long time to ascertain the criminal liability, if any, of the petitioner and considering the quantity of contraband recovered from co-accused not falling within the purview of commercial quantity, no purpose would be served by detaining the petitioner in custody any longer.

8. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

25.04.2025

S.Sharma(syr)

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