

2025:PHHC:171377



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

220

**CRM-M-13854-2025 (O&M)
Date of decision : 09.12.2025**

Ved Ram**...Petitioner****Versus****Narcotics Control Bureau, Chandigarh****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Sourabh Goel, Special Public Prosecutor, Chandigarh
for the respondent-NCB.

MANISHA BATRA, J. (Oral)

1. The instant one is the third petition that has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing Crime No. 43/2022 dated 18.06.2022, registered under Sections 8, 20, 25, 28, 29 and 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Solakhia Toll Plaza, Rupnagar, Punjab. The first petition was dismissed as withdrawn, whereas the second petition was dismissed on 31.07.2024.

2. As per the allegations, on 18.06.2022, on the basis of a secret information, co-accused Varun Sharma and Leena Sharma were apprehended along with one Maruti Swift car and 3.625 kgs. of Charas was recovered from their conscious possession. They were formally arrested. Recovered contraband was taken into custody. Accused Varun Sharma was interrogated, who suffered disclosure statement to the effect that the petitioner had got a cavity built in the car from where, the recovery was effected and that he was involved in the trade

2025:PHHC:171377



of sale/purchase of contraband. The petitioner was as such nominated as additional accused. He was arrested on 05.05.2023. Other co-accused were also arrested during the course of investigation. Now investigation stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. He is in custody for a period of about 02 years and 07 months. The trial will take considerable time to conclude. He has clean antecedents. His continued detention would not serve any useful purpose. The petition is maintainable as even after expiry of the period of 01 year and 05 months from the date of dismissal of his previous petition, trial has not been completed so far. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. *Per contra*, learned Special Public Prosecutor, Chandigarh has argued that there are serious and specific allegations against the petitioner. In fact, he was the supplier of the contraband and had created a cavity in the aforementioned car, which was used for carrying the contraband, for the purpose of concealing the same. The trial is going on at a proper pace and there is nothing on record to show that there would be any undue delay in conclusion of the same. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind,

2025:PHHC:171377



such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

7. The case of the prosecution is that the name of the petitioner was disclosed by the above named co-accused, from whom the alleged recovery had been effected. As per the allegations, the co-accused had sourced the contraband from the petitioner. In *Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1*, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. The petitioner was arrested on 05.05.2023. There is nothing on record, at this stage, to connect the petitioner either with the subject crime or to show that he was connected with the co-accused in any manner at the relevant time. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time. Co-accused Leena Sharma has been granted concession of

2025:PHHC:171377



bail. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

8. 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.

09.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No