



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

109

CRM-M-22079-2025

DATE OF DECISION: 25.04.2025

DHARMENDER KUMAR MISHRA @ DHARMENDRA
KUMAR MISHRA

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Arav Gupta, Advocate and
Mr. Arnav Ghai, Advocate for the petitioner(s).

Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)1. Prayer

This petition has been filed under Section 482 BNSS for the grant of anticipatory bail to the petitioner in FIR No. 87 dated 28.03.2025 under Section 18(c) of NDPS Act, 1985, relating to Police Station Rai District Sonipat, Haryana.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘To, The SHO, Police Station Rai, Sonipat. Jai Hind. Today, I, ASI with ESI Niranjana 1054/Sonipat, ESI, Bijender 301/Sonipat, EHC Sudhir 1541/Sonipat, Driver EHC Kripal 2131/Sonipat with Government Vehicle No.HR10GV-1073, Mahendra Bolero with Laptop Printer am present before World



University of Design, Asawpur Rai in connection with patrolling for checking crime when a special informer met me and informed that inside the World University of Design Asawarpur (Rai), Sonipat, in the flowerbeds along the wall, gardener Santlal son of Shri Dayaram resident of village Meghmau District Sultanpur, UP has planted doda opium plants and extracts opium from them. If immediately a raid is conducted, a large quantity of green opium plants can be recovered. Finding the information as true and reliable, a notice was prepared under Section 42 of the NDPS Act and forregistering the daily diary report, by handing over to Const. Arun 2733/Sonipat, it is being sent to the concerned Police Station, Rai for information. I, ASI, with fellow employees by Government vehicle reached the World University of Design Asawarpur (Rai) where I, ASI, from my mobile number 9728173732 called the Gazetted Officer Shri Munshi Ram, Drugs Control Officer, Sonipat-2, on his mobile number 9899969120 and informed him about the situation on the spot, who told that he was coming to me on the spot in some time and DHO, Horticulture Department, Sonipat was contacted on phone number 9896204274 who gave the mobile number 8401503792 of his subordinate competent officer, Shri Vraj Bekriyan, Assistant Project Officer, Horticulture Department Sonipat to me, the ASI. Thereupon, I, ASI, from my mobile number 9728173732 contacted Dr. Vraj Bekariya, Assistant Project Officer, Horticulture Department, Sonipat on his mobile number 8401503792 and apprised him of the situation who told to reach the spot after some time and the Assistant Registrar of World University of Design, Asawarpur (Rai), Shri Shailendra Kumar, son of Shri Raj Singh, resident of Shastri Nagar, Ward No. 13, Gannaur, Sonipat was summoned and taken along. After waiting for some time, the Gazetted Officer Shri Munshi Ram, Drugs Control Officer, Sonipat-2 and Shri Vraj Bekriyan, Assistant Project Officer, Horticulture Department, Sonipat arrived at the spot. I, ASI alongwith Gazetted Officer, Shri



Munshi Ram and Braj Bekariya reached near the corner of the eastern southern wall of World University of Design Asawarpur, Rai, Sonipat, when a person was seen standing near the flower beds. I, ASI, with my fellow employees and officers reached near the flower beds and asked the name and address of the person standing near the beds. The person told his name and address as Santlal son of Shri Dayaram resident of Village Meghmau District Sultanpur UP as per the information of the informer. In the flowerbeds, the poppy plants were searched. In the flowerbeds, some plants were seen different on which green poppy seeds and red flowers were seen. Braj Bekariya, Assistant Project Officer, Horticulture Department, Sonipat, after looking at the plants, said that these plants appear to be doda opium plants and submitted a separate written report. All the doda opium plants were uprooted from the ground along with their roots with the help of a fellow police personnel. The recovered doda opium plants wereweighed. Their total weight was found to be 39 kg 750 grams. The recovered doda oplum plants were separately put in a cloth and a parcel was prepared and the parcel was all stamped with own stamp SJ/1 and a sample seal was prepared. After use, the seal was handed over to H.C. Sudhir 1541/Sonepat and on the recovered douda plant, the Gazetted Officer Munshi Ram, Drugs Control Officer, Sonipat-2 also stamped the parcel by affixing his seal MR/1 on it and after putting the seal, he kept the stamp with himself; the recovered opium plants of 39 kg 750 gram was taken into police possession through a memo as evidence. The witnesses put their respective signatures on the Memo. The parcel, sample seal and Memo were certified by the gazetted officer Shri Munshi Ram, Drugs Control Officer, Sonipat-2 and the videography of the spot was uploaded on e-evidence and thereafter the gazetted officer Shri Munshi Ram, Drugs Control Officer Sonipat 2 and Shri Braj Bekaria, Assistant Project Officer Horticulture Department Sonipat left the spot. The accused Santlal has



committed the offence under Section 18 (C) of the NDPS Act by cultivating opium plants inside the university campus. The complaint for the registering the case is being sent to the Police Station. Rai, through HC Sudhir 1541/Sonipat. After registration of case, the FIR No., may be informed. The senior officers may be informed; special report may be sent to the officers. For further investigation of the case, some other investigation officer may be sent at the spot. At World University of Design Asawarpur, Rai, Sonipat. SD- Surender ASI 1862/Sonipat CIA-I, Sonipat. Dated 28.03.2025 Time 03.55 AM. Mob. 9728173732. At Police Station, on receipt of the written complaint, after register case FIR number 87 dated 28.03.25 under Section 18C of NDPS Act and preparing the copies on computer are being sent as special report of the case to the officers and the Magistrate through e-mail and shall also be sent by post. The copy with the original complaint was handed over to HC Sudhir 1541/Sonipat who brought the complaint and sent him to the investigating official on the spot. In the present case, for sending another Investigating Official to the spot, by contacting Munshi at CIA-1, ASI Satish Kumar, 1361/Sonepat informed to reach the spot. The SHO was informed about the facts of the case. The case was registered in the presence of Sub Insp. Chand Singh 1016/Sonipat.'

3. Contentions

On behalf of the petitioner

Learned Senior counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and was not even named in the present FIR. He submits no contraband has been recovered from the possession of the petitioner and he is implicated in the present case only on the basis of the disclosure statement made by co-accused Santal. He further submits that the



petitioner has not been apprehended at the spot as alleged with any contraband. It is his further contention that there is no evidence produced by the prosecution of any financial transaction connecting the petitioner with the alleged recovery i.e. 1.7 kg poppy straw.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner along with co-accused person was indulged in farming of poppy husk in the university premises, therefore, prays for dismissal of the present petition.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made by learned Senior counsel for the petitioner that the petitioner was nominated on the basis of the disclosure statement of co-accused Santal; no recovery has been effected from the conscious possession of the petitioner; and the petitioner was not apprehended at the spot, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.



5. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.



The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

25.04.2025
anuradha

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