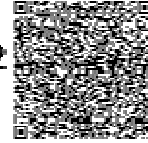


2025:PHHC:094222



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

**CRM-M-23613-2025 (O&M)
Reserved on : 24.07.2025
Pronounced on : 29.07.2025**

Nitin Goel

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate
for the petitioner.

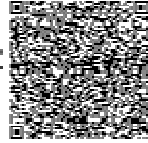
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 17 dated 16.01.2025, registered under Sections 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Dharuhera, District Rewari.

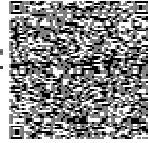
2. Brief facts of the case relevant for the disposal of the present petition are that on 16.01.2025, a secret information was received by a police party to the effect that co-accused Sunil Kumar, who was running a medical store in the name of Yadav Medical Store at Dharuhera Bhiwadi road, was indulged in selling banned narcotic drugs. It was further informed that on that day, he was coming in his car bearing registration number HR-36-AC-8814 with intoxicating drugs and can be apprehended. Believing the information to be

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reliable, a barrier was laid at the informed place and co-accused Sunil Kumar, while coming in the aforesaid car, was apprehended and recovery of 1728 intoxicating capsules having salts of *Dicyclomine Hydrochloride*, *Tramadol Hydrochloride* and *Acetaminophen* was effected from him. Since the quantity of the recovered drugs was above the permissible limit and co-accused Sunil Kumar could not produce any valid permit or license to keep in his possession such quantity of the drugs, he was formally arrested at the spot. Upon interrogation, he disclosed that he used to purchase the intoxicating drugs from one Yagdat and even the recovered contraband had been purchased by him from Yagdat. On the basis of the same, said Yagdat was nominated in this case as an accused and was arrested on 21.01.2025. On the basis of the disclosure statement suffered by Yagdat, one Jitendra Singh was also nominated in this case as accused and he disclosed that for the last 4-5 months, he used to buy intoxicating capsules from the present petitioner, who was the owner of Maa Vaishno Traders, Delhi. Subsequently, co-accused Yagdat also made disclosure statement to the same effect. On the basis of the same, the petitioner was also nominated in this case as an accused and was arrested on 18.01.2025. He disclosed that he used to buy intoxicating drugs on bill and used to sell the same to his customers on high prices without any bill to gain profits. After completion of necessary investigation and usual formalities, *challan* under Section 193 of BNSS was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences. Vide order dated 27.05.2025, he was granted concession of interim bail by this Court on medical grounds, which is still continuing with a direction to him to surrender today itself i.e. 29.07.2025.

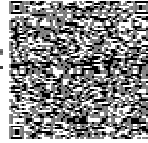
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3. Learned senior counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He is neither named in the FIR nor was found at the spot. He has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which is not admissible in evidence. The petitioner has a proper drug license in the name of his firm i.e. Maa Vaishno Traders and was authorized to keep in his possession the drugs as mentioned above. He is duly authorized to sell, stock or exhibit or offer for sale or distribute the said drugs. The petitioner has purchased the said drugs on invoices. Co-accused Sunil Kumar was also running a medical store and the petitioner had sold medicines to him in a business transaction. There is no illegality on the part of the petitioner. He is not involved in any other case and has clean antecedents. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 18.01.2025. No useful purpose would be served by keeping him in custody anymore. 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 keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. It is also submitted that since a commercial quantity of the contraband has been recovered in this case, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

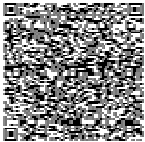
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5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner, who was running Maa Vaishno Traders, has been nominated in this case on the allegations that he used to sell intoxicating drugs to co-accused Yagdat and Jitendra Singh and in turn, they used to supply the same to co-accused Sunil Kumar, who was apprehended by the police party on 16.01.2025 and from whom, 1728 intoxicating capsules were recovered. The quantity of the recovered contraband falls under commercial quantity. A perusal of the status report shows that the petitioner was actively involved in selling intoxicating drugs to co-accused. Although, the petitioner is claiming to be properly licensed to sell the aforesaid drugs and has placed on record photocopies of certain invoices to show that he had purchased the said drugs against proper bills/invoices but there is nothing on record to show that he had sold the same against any bill/invoice. The above named co-accused have consistently disclosed that they used to buy intoxicating capsules from the present petitioner. The allegations against him are quite serious. The apprehension expressed by learned State counsel that if the petitioner is released on bail, he may abscond or indulge in similar offences can also not be stated to be unfounded at this stage. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of trial. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed. The petitioner is directed to surrender

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before the jail authorities forthwith.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

29.07.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No