

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:153904



CRM-M-25933-2024 (O&M)

Reserved on:31.10.2025

Pronounced on:10.11.2025

Tala Farukh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Molly Tarunima Tagore, Advocate for the petitioner,
(through V.C.).

Mr. Apoorv Garg, Additional Advocate General, Haryana.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No.24, dated 19.01.2023, registered under Sections 22, 22-C, 27-A and 29 of the NDPS Act and Sections 201/473 IPC, at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

2. As per allegations, on 19.01.2023, on receipt of a secret information to the effect that accused Amit was involved in the business of sale of contraband and on that very day also, he would cross Yamuna Nagar area in his vehicle bearing registration No.HR-02-AH-2911 and could be apprehended with huge quantity of contraband, a raiding party was formed.

A barricade was laid at Kalanaur boarder area and the accused Amit was

apprehended when he reached there in his vehicle. On conducting search, 20 boxes of Spasmo-Proxyvon Plus Dicyclomine Hydrochloride Tramadol Hydrochloride Acetaminophate Capsule having 6 strips in one box, Total 242880 Capsule, 2-10 boxes of Diphenoxylate Hydrochloride Atropine Sulphate Tablets total strips 100, Tablets in one strip 60, total 60000 Tablets, 3-25 boxes of Pyeevon Spas Plus Dicyclomne HCL Tramadol HCL Acetaminophen 10 strips in a box, in one strip 24 capsules Total number of capsules 6000 Capsule, 4-25 boxes of Alprazolam TAB IP 0.50 Mg in one box 10 strips having 60 tablets in one strip total 15000, 5-2 Box of Chlopheniame Maleate Phosphate Syrup Maverex Codine PHOS Syrup Vials 150 vials total 300 Vials 6-5 boxes of Paracetamol Dicyclomine Hydrochloride Tramadol Hydrochloride Capsules contains 240 capsules in each strip total 1200 Capsule, 7-2 boxes of Tramadol Plus Tramadol Hydrochloride Injections Drthodex 100 Mg Injection in a box 5 having 5100 Injections recovered whose weight is as follows - 1 SPASMO-PROXYVON I Capsule 0.632 GM, 10 Capsule 10 X 0.632 6.32 GM, 2880 Capsule 2880 X 0.632 1820.16 GM, 2 Diphenoxylate Hydrochloride Atropine Sulphate Tablets-10 Box total Leaves in one box, 100 Tablets in one box 60 total 60000 Tablets, 1 Tablet 0.064 GM, 10 Tablets 10 X 0.064 GM 0.64 GM 60000 Tablets 60000 X 0.064 GM total 3840 GM, 4 Alprazolam TAB IP 0.50 Mg-25-Box 10 tablets in a box 60 15000 Tablets, 1 Tablet 0.124 GM, 10 Tablets 10 X 0.124 GM 1.24GM, 15000 Tablets 15000 X 0.124 GM 1860 GM, 5 Chlopheniame Maleate Phosphate Syrup Maverex-2 box 1 vial in a box 150 300 Vial, Blue Cap I Bottle 585 GM 150 Bottles 150 X 1958 GM 20377-50GM Yellow Cap I Bottle 134.85 GM 150 Bottles 150 X 134.85

GAM-20227:50 GM, 6 Paracetamol Dicyclomine Hydrochloride Tramadol Hydrochloride Capsules-5 box total leaves in one box 10 total capsules in one box 240 1200 capsule, 1 capsule 0.55 GM 10 Capsule 10 X 0.55 5.50 GM 1200 Capsule 1200 X 0.55 660 GM, 7 Tramadol Hydrochloride Injection Drthodex 100 Mg-2 box injection leaves in one box 10 Injection leaves in one box 5100 Injection 1 Injection 4.12 GM, 100 Injection 100 X 4.12 GM 412 GM, were recovered from the vehicle which were taken into custody. The accused failed to give any license or permit for retaining the same. One cell phone and cash amount of money were also recovered from him. He was formally arrested. On interrogation, he suffered a disclosure statement to the effect that he used to purchase narcotic medicines from accused Sanjeev Kumar and supplied the same to accused Rakesh Kumar. On 17.01.2023, he had been given money by accused Rakesh Kumar for buying narcotic medicines and had bought the same from accused Sanjeev Kumar. Accused Rakesh Kumar was arrested on 23.01.2023. Accused Sanjeev Kumar was arrested on 27.01.2023. On the basis of the call detail records of the phone used by this accused, some other persons were also nominated as accused. During investigation, a secret information was received that cell phone No.8865989608 was used by the present petitioner, who supplied intoxicating medicines and used several phones, which he had kept as secret. The petitioner was nominated as an accused. He was found to be in custody in another case and was joined into investigation in this case. On 28.11.2023, he suffered disclosure statement to the effect that he used to work in medical agencies in Saharanpur. Accused Amit needed banned narcotic drugs and had contacted him for that purpose. On 17.01.2023, he

had given banned narcotic drugs to accused Amit for a sum of Rs.90,000/-. He also disclosed that he used to buy banned drugs from one Shamshad. He got recovered a sum of Rs.4500/-. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. No incriminating article/contraband has been recovered from him. The disclosure statements of the co-accused cannot be considered to be admissible in evidence against him. He is involved in only one more case, but cannot be denied benefit of bail due to that reason. The trial will take considerable time to conclude. The sim card and phone allegedly recovered from the co-accused could not be connected him with the crime. His continued detention would not serve any useful purpose. It is, therefore urged that he deserves to be released on bail.

4. Per contra, learned State counsel in terms of the status report filed by him has submitted that there are serious allegations against the petitioner. The trial is going at a proper pace. Recovery of commercial quantity of contraband supplied by the petitioner had been effected from the co-accused. Rigors of Section 37 of the NDPS Act are attracted against him. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. It is, therefore, urged that he does not deserve to be extended benefit of bail.

5. This Court has heard the rival submissions made by learned counsel for the parties at a considerable length.

6. The petitioner along with the co-accused is alleged to be involved in sale of contraband. No contraband had been recovered from him.

As per the allegations, he had supplied contraband to the co-accused but no recovery of such contraband had been effected from him. His further detention would not serve any useful purpose.

7. 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, 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.

8. The case of the prosecution is that the name of the petitioner was disclosed by the above named co-accused, from whom recovery of contraband has been effected. 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 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. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the Act does not come in the

way of granting bail to the petitioner. The petitioner is in custody since long. Challan has been presented. In such circumstances, the trial is likely to take long time to conclude. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all the times.

9. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an

application seeking cancellation of bail.

10. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

10.11.2025

(MANISHA BATRA)
JUDGE

harjeet

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No