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

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**CRM-M-28668-2025 (O&M)
Date of decision: 23.05.2025**

Ashutosh Dhir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Jarnail Singh Saneta, Advocate
for the petitioner.

Mr. Apoorv Garg, Senior DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS'), is for grant of anticipatory bail to the petitioner in FIR No. 64 dated 22.03.2025, registered under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short* 'NDPS Act') at Police Station Sector 20, Panchkula.

2. Brief facts of the case relevant for the disposal of the present petition are that on 23.03.2025, an information was received by ASI Rakesh Kumar from Mr. Kushal Kumar, Senior Executive, Security and Vigilance Department, DTDC Express to the effect that a parcel had been received, which was to be dispatched from Chandigarh to Bengaluru. On scanning the same, the parcel was found to be containing a pouch having some suspicious substance. The police party reached at the spot and on checking of the said

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parcel, 28 grams 24 milligrams of opium was recovered. FIR was registered and investigation proceedings were initiated and the same are going on. The mobile phone numbers written on the parcel were found to be of the petitioner and one Manjeet Singh. They were joined into investigation. The mother of the petitioner disclosed that the petitioner was working in Bengaluru and the recovered contraband was being sent by his friend Sourabh. Co-accused Sourabh has been arrested on 01.05.2025. Upon interrogation, he admitted his guilt and disclosed that the contraband was supplied by one Amandeep, who has also been arrested. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Panchkula but the same had been dismissed, vide order dated 14.05.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Main accused Sourabh, who had booked the parcel, has already been arrested. The petitioner has not received the said parcel containing contraband. He has no criminal antecedents. He is ready to join the investigation. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned Senior Deputy Advocate General, Haryana has argued that the petitioner is not entitled to get benefit of anticipatory bail as he was to receive the said parcel containing contraband, had it not been caught on scanning. Custodial interrogation of the petitioner is must for proper investigation in the matter as well as for effecting further recovery of contraband, if any. It is, thus, argued that the petition is liable to be

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dismissed.

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

6. The petitioner has been nominated in this case on the basis of the disclosure made by his own mother on the allegation that his friend Sourabh had booked the aforesaid parcel containing opium, which was to be sent to the petitioner at Bengaluru. His custodial interrogation is required for proper investigation in the matter and also for effecting further recovery of the contraband, if any. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out rather his custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only

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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.

23.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No