

2025:PHHC:088562



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

214

**CRM-M-31649-2025 (O&M)
DATE OF DECISION: 08.07.2025**

ASHOK BISHNOI**...PETITIONER****Versus****STATE OF HARYANA****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Surjeet Singh Chahal, Advocate
for the petitioner. (through Hybrid Mode)

Mr. Mayuri Lakhanpal Kalia, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

This petition has been filed under Section 482 of BNSS 2023 for the grant of anticipatory bail to the petitioner in case FIR No.167 dated 20.05.2022 u/s 15(b)/18(c)/27-A of NDPS Act, registered at P.S. City Ratia, District Fatehabad, in the interest of justice.

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

"To SHO Sahib, Police Station City Ratia, "Jai Hind"

*Today I, ASI along with HC Rohtash Kumar No. 543, EHC
Subhash Chand No. 220, Ct Satish Kumar No. 981 along with
vehicle government number HR22P4878 whose driver is EHC*

Ranjeet Singh No. 693 along with personal laptop and printer, present at Lali Maur, Ratia that a special informer has informed me that Adish Kumar alias Johnny, son of Naresh Kumar, son of Madan Lal, resident of house number 131, Model Town, Ratia, in front of the park in Model Town, Ratia, is keeping opium and poppy husk in his house. Someone has given opium and poppy husk to Adish Kumar alias Johnny a day ago and has gone away, who is present at home now, if a raid is conducted at his house, opium and poppy husk can be recovered from Adish Kumar alias Johnny. As the information is reliable, a notice under section 42 of the NDPS Act is being prepared for registering a report of the information in the diary and is being sent to the local officer Shri Shukrpal Singh, Deputy Superintendent of Police, Fatehabad, through Ct Satish Kumar No. 981 for information. I, ASI along with PRSI Rohtash Kumar No. 543, EHC Subhash Chand No. 220, have reached the passenger vehicle with government number HR22P4878, whose driver is EHC Ranjeet Singh No. 693, Adish Kumar alias Johnny, son of Naresh Kumar, son of Madan Lal, resident of house number 131, Model Town, Ratia. A person was seen standing inside the house, who on seeing the police started running towards the stairs. I captured him with the help of a fellow employee and asked him his name and address. He told his name as Adish Kumar alias Johnny son of Naresh Kumar son of Madan Lal resident of house no. 131, Model Town, Ratia. Suspecting the presence of opium and poppy husk in his house,

he was given a separate notice under section 50 of NDPS Act that I, ASI Ram Avatar Nn. 136, Crime Investigation Branch, Fatehabad, inform you Adish Kumar alias Johnny son of Naresh Kumar son of Madan Lal resident of house no. 131, Model Town, Ratia, that you have opium and poppy husk in your house, there is a suspicion of the presence of opium and poppy husk in your house. It is essential to search you and your house. You have the legal right that if you want you and your house to be searched in front of a gazetted officer or the area magistrate, he can be called on the spot. Adish Kumar alias Johnny has written his separate reply notice under section 50 NDPS Act that I have thoroughly read and understood the notice 50 NDPS Act given by you and I want to get me and my house searched by calling a gazetted officer on the spot. He be called on the spot. Adish Kumar alias Johnny signed the notice and the reply notice and the witness also signed his two signatures. After the notice action, I informed Mr. Suber Singh, Municipal Engineer, Ratia Municipal Corporation on his mobile number 94161-25897 about the situation at 5.13 PM and requested him to reach the spot, which was attended by Mr. Suber Singh, Municipal Engineer, Ratia Municipal Corporation at 5.25 PM in a private Maruti SX4 vehicle. Mr. Suber Singh, Municipal Engineer, Ratia Municipal Corporation, introduced himself to Adish Kumar alias Johnny and interrogated him and instructed the ASI to conduct the search of Adish Kumar alias Johnny and his house in my presence. On arrival of police on the spot, large crowd of

people gathered, whom after informing about police action, the ASI requested them to join the police action, all of them expressed their legitimate compulsion of it being a locality matter and left the spot. Then the ASI searched the bag kept in the room in the house of Adish Kumar alias Johnny, and a transparent polythene and a black coloured paper envelope were recovered inside the bag. As per the instructions of Shri Suber Singh, Municipal Engineer, Ratia Municipality, when the transparent polythene was searched, opium was found and when the black coloured paper envelope was searched. doda chura post was recovered. When the opium found in the polythene was weighed on an electronic weighing scale, it was found to be 1 kg 510 grams of opium along with the transparent polythene and when the black coloured paper envelope was weighed, it was found to be 500 grams of doda chura post along with the black coloured paper envelope. Then the Parcel was prepared by putting the opium in a plastic jar with transparent polythene and prepared a separate parcel of doda chura post. The parcel opium plastic jar was stamped with stamp PK/1 and the Parcel cloth doda chura poppy was stamped with stamp PK/3. A sample seal was prepared and Shri Suber Singh, Municipal Engineer, Nagar Palika Ratia sealed the Parcels with stamp GD/1-1. The sample seal was kept by Shri Suber Singh, Municipal Engineer, Municipal Corporation Raliya, after use. Both the Palandas and the sample seal were verified by Shri Suber Singh, Municipal Engineer, Municipal Corporation Ratia. The

Palanda, opium, plastic jar and Palanda, cloth, doda, stolen poppy, all stamped along with the sample seals were taken into possession by the police as evidence of the Bajaria property form. The accused and the witnesses put their signatures on the property form. The property form was verified by Shri Suber Singh, Municipal Engineer, Municipal Corporation Ratia. After use, the seal was handed over to HC Rohtash Kumar No. 543. Accused Adish alias Johnny has committed the crime under section 15/18/61/85 of NDPS Act by keeping 1 kg 510 grams of opium and 500 grams of poppy husk with him, therefore, the article is being written on personal laptop and is being sent to the police station through EHC Subhash Chandra No.220 for registering the case. The case should be registered and informed with the case number or special report of the case should be sent to the area magistrate sahab or officers by special carrier or a competent investigation officer should be sent to the spot for further investigation. I, ASI along with my staff, along with the accused and the goods, am present at the spot with the case. Place: House of the accused, Model Town, Ratia. Sd-Ramavatar ASI (ASI Ram Avatar No. 136) Crime Investigation Branch Fatehabad Date 20.05.2022 Time 6.20 PM Mobile No.94161-25897, Today police station arrived at the police station with the above complaint in the hands of EHC Subhash Chandra No.220, on receipt of case number 167 dated 20.05.2022 section 15/18/61/85 NDPS ACT Police Station City Ratia was registered and the copy along with the original complaint was handed over

to ASI Krishna Kumar 67 for further investigation and left for the spot of incident along with Arinda EHC. Special report of this case is being sent to the service of officers and area magistrate sahab through special carrier SPO Jagraj Singh 38 and the managing officer police station was informed about the condition of the case over telephone."

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the alleged recovery of 1 kg 510 grams opium and 500 grams poppy husk was effected in the present case from the co-accused namely Adish Kumar @ Jony. He further submits that the name of the petitioner in the present case has surfaced on the basis of the disclosure statement suffered by another co-accused namely Hanuman wherein he has stated that he has purchased the recovered contraband from unknown persons near Chandra Grand Hotel, Jodhpur, Rajasthan at the instance of the petitioner.

On behalf of the State

Notice of motion.

At the asking of Court, Ms. Mayuri Lakhanpal, DAG, Haryana accepts notice and prays for dismissal of the instant petition on the ground that present petitioner is alleged to be the supplier of the covered contraband i.e. 1 kg 510 grams opium and 500 grams of poppy husk. Therefore, to unearth the chain of events involved in illegal drug-trafficking the custodial interrogation of the petitioner is required.

4. Analysis and conclusion

Taking note of the fact that though no recovery is made from the petitioner but taking into consideration the allegations against him wherein he has been alleged to be the supplier of the recovered contraband effected from the co-accused this Court deems it appropriate not to grant the benefit of anticipatory bail to the petitioner at this stage.

Furthermore, the petitioner's criminal history, marked by involvement in eight other cases of similar nature, raises serious concerns about the likelihood of reoffending. There is a distinct possibility that, if granted bail, the petitioner will once again partake in this unlawful enterprise. To grant bail at this stage would, in effect, subtly convey a tacit endorsement or unintentional encouragement of such nefarious activities.

Recently, the Apex Court in ***“Dinesh Chander Vs. State of Haryana SLP (Crl) No.9540/2025”*** upholding the order passed by the Coordinate Bench of this Court has observed that the “anticipatory bail is never granted in NDPS cases” reinforcing the stringent approach the Courts should follow while dealing with the cases involving serious drug offences. The Supreme Court has expressed its grave concern over the grant of anticipatory bail in NDPS cases highlighting the serious issue.

In the light of above discussions made and the modus operandi of the kingpins engaged in illicit activities, whether trafficking in small or intermediate quantities, must be met with unwavering resolve and stringent action. The intent of the legislature

and the sanctity of the rule of law must be upheld at all costs, and cannot be allowed to be undermined, regardless of the quantity involved.

Hence, the same stands dismissed with no order as to costs.

(SANDEEP MOUDGIL)
JUDGE

08.07.2025
anuradha (v)

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