



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

209

CRM-M No.34314 of 2025 (O&M)
Date of Decision :05.09.2025

Manish Kumar @ Manni

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Deepak Singh Saini, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, the FIR No.37 dated 09.02.2025 has been lodged in Police Station Parao, District Ambala. The petitioner along with his co-accused was arrested on the spot on 09.02.2025 and since then he is in custody. By virtue of present petition the petitioner is seeking for his released on bail in the above mentioned case.

2. Succinctly, the facts emerging from record are that the above mentioned FIR came into being in the backdrop of information received by Sub-Inspector Manoj Kumar with regard to travelling of petitioner and his co-accused Sunil Kumar in an Innova vehicle, along with contraband. According to prosecution on the basis of above mentioned tip-off when the vehicle bearing No.HR-85A-0206 was intercepted, due formalities as prescribed under Section 50 of NDPS Act were undertaken and thereafter, on checking of



vehicle it was found that beneath the seat of co-driver, there was a polythene bag containing 457 grams of heroin (a commercial quantity).

3. Heard.

4. It has been contended on behalf of the petitioner that petitioner is innocent having no nexus with the crime and that he was simply driving the vehicle as a hired driver. According to learned counsel for the petitioner the petitioner was not aware of the fact that Sunil Kumar was carrying any contraband in the above mentioned vehicle and, therefore, any criminality cannot be attributed to the bona fide actions of the petitioner. While referring to the observations made by this Court in the case of **Charanjit Singh alias Amritpal Vs. State of Punjab, rendered in CRM-M-13795-2022**, learned counsel for the petitioner has argued that the present case is squarely covered by the ratio of law laid down in the above mentioned case. As per learned counsel for the petitioner the trial is not likely to be concluded in near future and all the witnesses are official witness and, therefore, there is no chance of tampering of evidence by the petitioner. According to learned counsel for the petitioner, in view of above, the petitioner is entitled for the benefit of bail.

5. The learned State counsel has controverted the above mentioned argument. According to learned State counsel the allegations in the present case, against the petitioner, are that the petitioner was driving the vehicle wherein beneath the seat of co-driver commercial quantity of contraband was being carried. According to learned State counsel from the contents of FIR itself it is revealed that tip-off given to the police party was with regard to involvement of petitioner as well as his co-accused and, therefore, the petitioner is equally liable for being in conscious possession of contraband. As



per learned State counsel since heavy quantity of narcotic substance has been recovered from the possession of the petitioner, amounting to commercial quantity the petitioner is not entitled for the benefit of bail.

6. The record has been perused carefully.

7. In the present case, at the very outset, it is pertinent to mention here that allegations against the petitioner are that he was driving a vehicle and under neath the co-driver's seat contraband was kept. Although the petitioner has taken a plea that he was not aware of the presence of above mentioned contraband, being a hired driver, but *prima facie* the above mentioned plea of the petitioner stands falsified in view of the fact that as per contents of FIR the tip-off given to the police party, by the informer, before the recovery was that the petitioner as well as his co-accused, both, were involved. Since the information to the police party was given in advance this plea of the petitioner fails to inspire confidence that he was merely a hired driver and, therefore, not aware of the presence of contraband in the vehicle.

8. Otherwise also this fact cannot be ignored that the quantity of contraband recovered from the vehicle being driven by the petitioner is commercial quantity and, therefore, rigors of Section 37 of NDPS Act are attracted in the present case. There is nothing on record to show that this Court can draw an inference that the petitioner is not guilty for the commission of abovesaid offence, or that, if released on bail he is not likely to commit any offence of similar nature again.

9. As far as, the observations made in the case of **Charanjit Singh alias Amritpal (supra)** are concerned the above mentioned precedent is not applicable to the present case as in the case of **Charanjit Singh (supra)**, the



accused was arrested on the basis of suspicion, as he had thrown away the plastic envelop containing contraband. In the instant case, there is no such element of suspicion, as the recovery was effected from the vehicle being driven by the petitioner, and it was pursuant to an information in advance.

10. Therefore, taking into consideration the above mentioned factors and also the fact that provisions of Section 37 of NDPS Act are applicable in this case, the present application is held to be devoid of merit, deserving dismissal. The same is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

05.09.2025
Manoj Bhutani

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