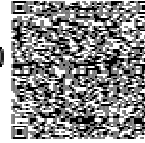


2025:PHHC:124290



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

225

**CRM-M-35949-2025 (O&M)
Date of decision: 10.09.2025**

Harish Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Manoj R. Sharma, Advocate
for the petitioner.

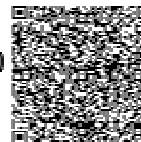
Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

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. 34 dated 14.04.2025, registered under Sections 22, 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Purana Shalla, District Gurdaspur.

2. As per the allegations, on 14.04.2024, accused Ricky Kumar was apprehended by a police party on the basis of suspicion while he was found coming in a Swift make car and tried to turn the same back on a signal being given by the police party. On conducting search, 50 intoxicating tablets of Etizolam 0.5 mg were recovered from him. Apart from that, drug money of Rs.5,000/- was also recovered from him. Since he could not produce any valid license or permit to keep in his possession the recovered drugs, he was formally arrested at the spot. On interrogation, he suffered

2025:PHHC:124290



disclosure statement to the effect that the recovered tablets were purchased by him from the present petitioner. The petitioner was nominated as accused. Offence under Section 29 of the NDPS Act was added. He was arrested on 01.05.2025. Investigation is still going on.

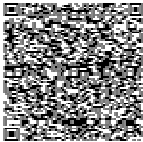
3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement suffered by the above named co-accused, which cannot be considered to be admissible in evidence. He is in custody since 01.05.2025. His further incarceration would not serve any useful purpose. He has been acquitted in four of the cases, has been found innocent in one case and FIR in one has been quashed. Only two cases are pending against him. His involvement in other cases cannot be considered to be a reason for denying him the benefit of bail. No useful purpose would be served by detaining him into custody anymore. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his antecedents, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner is alleged to have supplied the recovered intoxicating tablets to co-accused Ricky Kumar. However, no recovery has been effected from the petitioner. He was arrested on the basis of the disclosure statement suffered by the co-accused. No fruitful purpose would

2025:PHHC:124290



be served by keeping him in custody anymore. The conclusion of trial would obviously take time as even challan has not been presented. Keeping in view the aforesaid facts, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

10.09.2025
Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No