



CRM-M-35917-2025

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

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CRM-M-35917-2025

Date of decision: 24.07.2025

Vikram Singh Chouhan

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Prerak Sheoran, Advocate for the petitioner.

Mr. Tarun Aggarwal, Additional Advocate General, Haryana.

SUMEET GOEL, J. (Oral)

1. The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.0172 dated 23.06.2025, registered for the offences punishable under Sections 15(b) of the NDPS Act, 1985 at Police Station Kaithal City, District Kaithal.

2. The gravamen of the FIR in question reflects that on 23.06.2025, the police received credible intelligence indicating that two individuals, namely Jaskaran Singh and Gurdayal, were transporting narcotic substances in a truck bearing registration number HR56B-0750. Acting on this information, a naka was laid, and upon interception and inspection of the said vehicle, a total of 5 kilograms and 900 grams of chura post (poppy husk) was recovered. The accused were subsequently apprehended, and their disclosure statements were recorded in accordance with the procedure. During interrogation, co-accused Jaskaran Singh revealed that he had



procured 10 kilograms of poppy husk for a sum of ₹20,000 from Vikram Singh Chouhan, (petitioner-herein).

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated in the present case solely on the basis of the disclosure statement made by co-accused Jaskaran Singh, who was apprehended with 5 kilograms and 900 grams of chura post (poppy husk). Learned counsel has further iterated that no recovery, either of a narcotic substance or any other incriminating material, has been effected from the petitioner. Furthermore, there is no independent corroborative evidence linking the petitioner to the alleged offence and his name does not find mention in the FIR. The only basis of the implication of the petitioner is the unsubstantiated disclosure statement of the co-accused. It is further argued by learned counsel that the alleged recovery effected from the co-accused falls under the category of non-commercial quantity, and therefore, the bar under Section 37 of the NDPS Act, 1985 is not attracted in the present case. It has been further argued that the petitioner has merely been roped in the instant case under the ambit of Section 29 of the NDPS Act, without there being any material to establish a *prima facie* case of conspiracy or involvement in the commission of the offence. Learned counsel further asserts that the continued incarceration of the petitioner, who is a 38-year-old sole breadwinner of his family, would serve no useful purpose and would cause undue hardship, particularly when there is no material evidence against him. It has been further argued that there is no need for custodial interrogation of the petitioner, as nothing incriminating remains to be recovered from him. Learned counsel asserts that the petitioner has no intention of evading the process of law and undertakes to cooperate fully



with the investigation. It is next submitted by the learned counsel that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the basis of the aforementioned submissions, the grant of the instant petition is entreated for.

4. *Conversely*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations raised against the petitioner are serious in nature. According to learned State counsel, the petitioner is actively involved in the illicit trade of narcotic substances, and his role in the present case is far from innocent. Furthermore, the petitioner was the supplier of chura post (poppy husk) that was subsequently recovered from the possession of co-accused Jaskaran Singh and Gurdayal on 03.06.2025, following the receipt of credible and specific secret information by the police. Learned State counsel asserts that although the recovery may fall within the non-commercial category, the nature of the offence and the conduct of the petitioner raise serious concerns regarding his involvement in a wider nexus of narcotic trafficking activities. Referring to para 8 of the reply dated 19.07.2025 of Mr. Bir Bhan, Deputy Superintendent of Police (HQ), Kaithal, learned State counsel submits that the implication of the petitioner is not casual or accidental but is based on concrete leads developed during investigation and there are CDR (Call Detail Record) available with the prosecution so as to show the culpability of the petitioner. Furthermore, granting bail to the petitioner at this stage may seriously hamper the ongoing investigation and embolden the petitioner to tamper with evidence or influence key witnesses, many of whom may be susceptible to pressure or intimidation. Given the gravity of the offence, the larger public interest involved in curbing the menace of drug trafficking, and



the potential threat to the fair conduct of the trial, it is most respectfully submitted that the petitioner does not deserve the concession of anticipatory bail and it is prayed that the present petition deserves to be dismissed.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. It emerges from the record that on 23.06.2025, the police, acting on specific and credible intelligence, apprehended two individuals namely Jaskaran Singh and Gurdayal (co-accused) who were found transporting narcotic substances in a truck bearing registration No. HR56B-0750. The interception of the vehicle led to the recovery of 5 kilograms and 900 grams of chura post (poppy husk), a substance governed under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985. Following their arrest, the disclosure statements of the accused were recorded in accordance with law. Notably, co-accused Jaskaran Singh, during the course of interrogation, specifically disclosed that he had procured 10 kilograms of poppy husk for a consideration of ₹20,000/- from the present petitioner namely Vikram Singh Chouhan. This statement forms the basis of the implication of the petitioner in the present case. At this stage, the alleged involvement of the petitioner is founded principally on the disclosure statement made by the co-accused, coupled with the existence of Call Detail Records (CDRs) which, as per the investigating agency, indicate communication and a degree of association between the petitioner and the co-accused, thereby suggesting his possible complicity in the offence.



7. It is not in dispute that the recovery effected from the co-accused amounts to 5 kilograms and 900 grams of chura post (poppy husk), which technically falls within the ambit of a non-commercial quantity as defined under the NDPS Act. However, the classification of the recovered substance as non-commercial, in itself, cannot be treated as a mitigating factor to overlook the gravity of the offence or the potential role of the petitioner in the broader chain of illicit narcotic supply. Furthermore, the petitioner has been implicated on the basis of specific disclosure made by co-accused Jaskaran Singh, who during interrogation, categorically stated that he had procured 10 kilograms of poppy husk from the petitioner for a monetary consideration. In addition to the disclosure statement, the prosecution has also referred to the existence of Call Detail Records (CDRs) which, according to the investigating agency, substantiate communication and association between the petitioner and the co-accused, thereby lending *prima facie* credence to the allegation of the involvement of the petitioner.

8. The nature of the allegations, coupled with the possibility of the petitioner being part of a larger nexus engaged in the unlawful trade of narcotic substances, raises serious concerns that cannot be brushed aside at this nascent stage of the investigation. The apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses who may be vulnerable to coercion also appears to be not without basis. Given the seriousness of the offence, the stage of investigation, the possibility of tampering with evidence or obstructing justice, and the overarching public interest in deterring the menace of narcotic drug trafficking, this Court is of the view that the petitioner does not merit the concession of bail at this juncture. Moreover, in view of the



serious allegations, the custodial interrogation of the petitioner is indispensable and crucial for unearthing the broader conspiracy and identifying the other potential accomplices that may be within the exclusive knowledge or possession of the petitioner. Moreover, the grant of anticipatory bail at this premature stage may seriously prejudice the ongoing investigation and potentially result in tampering with evidence or influencing material witnesses.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusation of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***], the Supreme Court held as under : (SCC p.189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the



suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

10. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual milieu of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

11. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 24, 2025
Ajay

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