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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-35959-2025

Date of decision: 11th December, 2025

Lal Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Navneet Jindal, Advocate for the petitioner.

Mr. Atul Gaur, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 176 dated 18.07.2023 registered under Sections 15-C, 27-A and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') at Police Station Ding, District Sirsa, Haryana.

2. As per the allegations, on 18.07.2023, the accused Pardeep, Ram Niwas and Pawan Kumar were apprehended while they were travelling in a vehicle bearing registration No. HR-05-GV-6479 and 73 kgs of poppy husk was recovered from the vehicle. They were formally arrested. The recovered contraband was taken into custody. The abovenamed accused were formally

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arrested. They were interrogated. The accused Pardeep suffered disclosure statement to the effect that the recovered contraband had been supplied to him by the present petitioner for a sum of Rs. 1,50,000/-. The petitioner was nominated as an accused. Investigation revealed that several calls had been exchanged between the petitioner and the co-accused at the relevant time. The petitioner was arrested on 08.04.2025. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. No recovery has been effected at his instance. He is in custody since long. The rigors of Section 37 of NDPS Act are not attracted qua him. He is on bail in other cases as registered against him. His continued detention would not serve any useful purpose. He is ready to abide by the terms and conditions to be imposed upon him. It is, therefore, urged that the petition deserves to be allowed.

4. Status report and custody certificate have been filed. Learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner and the commercial quantity of the contraband coupled with the fact that the petitioner hails from Rajasthan and there are chances of his absconding, he does not deserve to be extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

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6. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused, from whom recovery of 73 kgs of poppy husk has been effected. As per his disclosure statement, he had sourced the contraband from the petitioner. The petitioner is in custody since 08.04.2025. There is no basis for the contention that he may abscond or commit similar offences. The trial will take considerable time to conclude. 04 prosecution witnesses have been examined so far. It is well established that mere call details, without the transcript of the conversations exchanged between the accused persons, would not be considered to be corroborative material in absence of substantive material found against them. In so far as the money transactions are concerned, the fact as to whether, the same were with regard to purchase of contraband can only be ascertained after the entire evidence is led and not at this stage. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions

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stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

7. In *Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1*, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the NDPS Act does not come in the way of granting bail to the petitioner. The petitioner is in custody since 08.04.2025. Challan has been presented but even charges have not been framed. In such circumstances, the trial is likely to take long time to conclude. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and on the following conditions:-

(i) the petitioner shall not directly or indirectly make any

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inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.

(ii) he shall not leave the country under any circumstance without permission of the learned trial Court.

(iii) he shall appear before the learned trial Court as and when directed.

(iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

11th December, 2025

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No