IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

208 **CRM-M-37504-2025**
Date of decision: 5th September, 2025

Roshani

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Prabhjot Kaur Virk, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

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MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 150 dated 08.06.2025 registered under Sections 20(b) of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') (Section 29 of NDPS Act added later on) at Police Station Sadar Kaithal, District Kaithal.

2. As per the allegations, on 08.06.2025, on receipt of a secret information that one Darshan was engaged in sale of contraband and at that moment, he was having contraband in his house and could be apprehended with the same, information was sent to the police station for registration of FIR. A raiding party was formed by ASI Rajesh Kumar, which reached at the house of the accused Darshan. He was apprehended while he was coming out of his house. One polythene bag was recovered from his

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custody. After following due process, the same was checked and 01 kg and 95 grams of some blackish green leafy substance suspected to be *ganja* was recovered from the same. He was arrested and on interrogation, he suffered disclosure statement to the effect that the recovered contraband was supplied to him by the petitioner. She was nominated as such. Apprehending her arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Kaithal, which was dismissed vide order dated 08.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on disclosure statement of co-accused, which cannot be considered to be admissible in evidence. Non commercial quantity of contraband has been recovered from the co-accused. She is ready to join the investigation. Her custodial interrogation is not required. No recovery is to be effected from her. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned State counsel that the allegations against the petitioner are serious in nature. She had supplied 01 kg and 100 grams of *ganja* to the co-accused. The drug money is to be recovered from her. The entire supply chain of contraband, identity of other persons involved in the procurement and distribution network of the contraband is to be disclosed by the petitioner. Her custodial interrogation is essential to unravel the larger nexus of drug supplies and to effect further recovery. No exceptional or extra ordinary circumstance for extending benefit of pre-arrest bail to the petitioner is made out. Therefore, it is urged that the petition does not deserve to be allowed.

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5. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

6. The petitioner is alleged to have supplied contraband to the co-accused Darshan. The case is at its nascent stage. For conducting thorough and proper investigation in the matter, for eliciting the truth about the source of supply chain as well as about the other persons involved in the procurement of contraband by the petitioner, her custodial interrogation is must. In case her custodial interrogation is denied to the Investigating Agency, that will leave many glaring loopholes and gaps thereby adversely affecting the investigation. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove

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shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

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

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