



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

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**CRM M-40774-2025****Date of Decision:07.08.2025**

Deepak @ Bhola

...Petitioner

Versus

State of Haryana

... Respondent

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

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

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

**N.S.SHEKHAWAT, J.**

1. The petitioner has filed the instant petition under Section 482 of the B.N.S.S., 2023 with a prayer to grant anticipatory bail in case FIR No.231 dated 19.06.2025 registered under Section20B(ii)C/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Tehsil Camp Panipat, District Panipat.

2. Learned counsel for the petitioner contends that as per the case of the prosecution, the police had arrested Sunil @ Kala and Abhishek @ Gautam on 19<sup>th</sup> June 2025, while they were carrying 1 Kg and 732 grams of *charas*. Learned counsel further submits that the first statement of Sunil @ Kala was recorded on 20.06.2025 and he had never named the petitioner, however, the second disclosure statement of Sunil @ Kala was recorded after 02 days, i.e., on 22<sup>nd</sup>

June 2025 and he named the petitioner as a supplier in the said statement. However, the said statement is not admissible and the petitioner deserves to be granted the concession of bail.

3. On the other hand, learned State counsel has filed a status report by way of affidavit of the Superintendent of Police, Panipat and the said report is taken on record. Learned State counsel submits that the petitioner is supplier of drugs and one more case, i.e., FIR No. 233/2023 under Section 20 of the NDPS Act, Police Station Sadar, Jhajjar relating to the recovery of 2.500 Kgs of *charas* has been registered against the petitioner and the petitioner is on bail in the said case. During the pendency of the said case, the petitioner was involved in smuggling of drugs and his name is surfaced in the present case. Learned State counsel further submits that the name of the petitioner had surfaced in the first disclosure statement of Sunil @ Kala and not in the second disclosure statement. As per the disclosure statement suffered by Sunil @ Kala accused, the petitioner was using mobile phone No. 7091378072, which was registered in the name of Anil Kumar son of Suresh Ram. He further contends that in fact, Anil son of Suresh is the neighbor of the petitioner and the petitioner had talked to Sunil @ Kala for 18 times from 15.01.2025 to 19.06.2025. Even, he was in touch with Abhishek @ Gautam co-accused during this period. Even, CDR observation memo (Annexure R-4) has been prepared in this regard. He further contends that a certificate under Section 63 of BSA is awaited in the present case. Learned state

counsel further submits that the custodial interrogation of the petitioner is required to recover the amount earned by him by selling the intoxicant substance to Abhishek @ Gautam and Sunil @ Kala and to know the source of *charas* in the present case.

4. Learned State counsel has further referred to the law laid down by the Hon'ble Supreme Court in the matter of ***“State of Haryana Vs. Samarth Kumar”***, 2022 LiveLaw (SC) 622, wherein the Hon'ble Supreme Court held as follows:-

*“4. The High Court decided to grant pre-arrest bail to the respondents on the only ground that no recovery was effected from the respondents and that they had been implicated only on the basis of the disclosure statement of the main accused Dinesh Kumar. Therefore, reliance was placed by the High Court in the majority judgment of this Court in **Tofan Singh v. State of Tamil Nadu reported in (2021) 4 SCC 1.***

*5. But, it is contended by the learned Additional Advocate General appearing on behalf of the State of Haryana that on the basis of the anticipatory bail granted to the respondents, the Special Court was constrained to grant regular bail even to the main accused-Dinesh Kumar and he jumped bail. Fortunately, the main accused-Dinesh Kumar has again been apprehended. According to the learned Additional Advocate General, the respondent in the second of these appeals is also a habitual offender.*

*6. Learned counsel appearing on behalf of the respondent in the first of these Appeals contends that the State is guilty of suppression of the vital fact that the*

*respondent was granted regular bail after the charge-sheet was filed and that therefore, nothing survives in the appeal. But, we do not agree.*

*7. The order of the Special Court granting regular bail to the respondents shows that the said order was passed in pursuance of the anticipatory bail granted by the High Court. Therefore, the same cannot be a ground to hold that the present appeals have become infructuous.*

*8. In cases of this nature, the respondents may be able to take advantage of the decision in **Tofan Singh v. State of Tamil Nadu (supra)**, perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.”*

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the police had arrested two accused, namely, Sunil @ Kala and Abhishek @ Gautam while they were carrying 1 Kg 732 grams of *charas* in their conscious possession. As per the disclosure statement of Sunil @ Kala, they had purchased the *charas* from the present petitioner for a sum of Rs. 84,000/-. Apart from that, the petitioner is resident of District Champaran (Bihar) and has mentioned no reason for the alleged false implication of the petitioner by Haryana Police. Rather, it is apparent that one more FIR in a different district, i.e., FIR No. 233 of 2023 under Section 20 of the BNSS Police Station Jhajjar was also registered against him for recovery of 2.500 Kgs of *charas*. The petitioner was granted the concession of bail in the said case and was expected not to be

involved in the similar crime, however, he again started selling *charas* in a different district and as a consequence, the present FIR has been registered against him. Thus, in the considered opinion of the Court, the custodial interrogation of the petitioner is essential to know the names of other accused who might be involved, and to know the source the supply of *charas* as well as to recover the drug money from him. Moreover, he is involved in one more case of similar nature and does not deserve the concession of anticipatory bail.

7. Finding no merits, the present petition is ordered to be dismissed.

07.08.2025  
amit rana

(N.S.SHEKHAWAT)  
JUDGE

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