



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

CRM-M-45615-2025
Date of decision: 26.08.2025

TABRESH

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Parminder Singh, Advocate
 for the petitioner.

Mr. Ramesh Kumar Ambavta, DAG, Haryana.

YASHVIR SINGH RATHOR, J. (Oral)

1. Petitioner is praying for regular bail in case FIR No.231, dated 26.10.2024, registered at Police Station Saha, District Ambala under Sections 20, 29 of NDPS Act, 1985.

2. Brief facts of the prosecution case are that on 26.10.2024, a secret information was received and on the basis of same, police party headed by ASI Ranjit Singh raided a house near village Mithapur where three young persons namely Arjun, Sonu and Rajesh Kumar were found present and 1.75 quintal ganja was recovered which had been kept in six plastic bags. All the aforesaid three persons were arrested. On interrogation, co-accused Arjun disclosed that contraband has been supplied to them by petitioner Tabresh and offence under Section 29 of



NDPS Act was added. Petitioner was arrested on 02.12.2024 and after completion of investigation, challan has been presented for trial.

3. I have heard the learned counsel for the petitioner as well as the learned State counsel and have gone through the material collected by the police during investigation.

4. Learned counsel for the petitioner argued that he has been falsely implicated in the present case. His name has cropped up in the disclosure statement of co-accused Arjun, which is not admissible in evidence. No contraband has been recovered from the possession of the petitioner. Challan has already been presented after completion of investigation. Out of total 20 witnesses, no witness has been examined till date. Learned counsel further contended that since no recovery has been effected from the petitioner, the rigors of Section 37 of NDPS Act are not attracted and petitioner thus be released on bail.

5. On the other hand, learned State counsel on instructions from ASI Narinder Kumar has opposed the bail and argued that the petitioner is the supplier of contraband and in view of the gravity of offence, he does not deserve the concession of bail.

6. A Co-ordinate Bench of this Court in **Anshul Sardana versus State of Punjab**, passed in CRM-M-65094-2024 (2025: PHHC:004198), after relying upon the law laid down by the Hon'ble Supreme Court in Tofan Singh versus State of Tamil Nadu, AIR 2020 Supreme Court 5592; Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu versus State of Gujrat, Narcotics Control Bureau, 2024



INSC 290; State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr.', 2022 (1) RCR (Criminal) 762; and Vijay Singh vs. The State of Haryana, bearing Special Leave to Appeal (Crl.) No.(s) 1266/2023, decided on 17.05.2023, has held thus:

"6.3 It is a well established principle of law that a confession made by a co-accused under Section 67 of the NDPS Act is inherently a very weak piece of evidence. Such statement(s), by themselves, cannot form the sole basis for the conviction of an individual and must be scrutinized with utmost caution in conjunction with other substantive evidence. Moreover, no recovery has been effected from the possession of the petitioner, who has been subsequently implicated as an accused solely on the basis of disclosure statement of the co-accused. However, as regular bail pertains to life and liberty of individual, Courts are obligated to strike a balance between safeguarding personal liberty and ensuring the effective administration of justice as also investigation. The final evidentiary value and admissibility of the disclosure statement made by a co-accused fall within the domain of the trial Court and are to be adjudicated during the course of the trial in accordance with established principles of law. However, while adjudicating a plea for regular bail, this Court cannot remain oblivious to the circumstances under which the petitioner has been arraigned or implicated, including the nature of the allegations, the evidence linking the petitioner to the offence as well as the specific role attributed to the petitioner in the commission of the alleged offence. A prima facie examination of these factors is essential to ensure that the process of law is not misused, abused or misdirected."

7. Petitioner is in custody since 02.12.2024 and his name has cropped up in the disclosure statement of co-accused Arjun, who was apprehended along with the contraband. As per his disclosure statement, the contraband was supplied by petitioner and thereafter, the petitioner was arrested. Nothing has been recovered from his possession and at this stage, there is no material to connect him with the alleged offence except disclosure statement suffered by co-accused. As to how much evidentiary value will be attached to the said disclosure statement will be seen during



the trial. Trial is likely to take sufficiently long time to conclude and no useful purpose will be served to detain the petitioner in custody.

8. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

26.08.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No