



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

**CRM-M-45917-2025
Date of decision: 22.09.2025**

MAHIPAL

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. S.S.Brar, Advocate
for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

YASHVIR SINGH RATHOR, J. (Oral)

1. This is first petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.226, dated 20.07.2024, registered at Police Station Naraingarh, District Ambala, Haryana under Section 22-C of NDPS Act.
2. Upon notice, learned State counsel has appeared and opposed the bail. Both the parties have been heard and material collected by the police during investigation has been perused.
3. In compliance of order dated 27.08.2025, reply by way of an affidavit of Suraj Chawla, HPS, Assistant Commissioner of Police, Naraingarh, District Ambala, filed on behalf of the State is taken on record.
4. Brief facts of the case are that on 20.07.2024, police party apprehended one Prince in the presence of Assistant Excise and Taxation



Officer namely Vishal and 11040 capsules of Cerotic Healthcare containing Tramadol Hydrochloride were recovered from his rented accommodation and the total weight of the contraband comes to 6389.40 grams. On interrogation, co-accused Prince nominated the present petitioner Mahipal as an accused and disclosed that he had been purchasing the contraband from him. Petitioner was arrested on 19.12.2024 and remaining accused namely Sandeep, Mukesh, Varun and Ramesh were also arrested. After completion of investigation, challan has been presented for trial.

5. Learned counsel for the petitioner contended that no contraband has been recovered from the possession of petitioner and the Tramadol tablets had been recovered from main accused namely Prince, who has nominated the present petitioner as purchaser of the contraband from him. However, the disclosure statement of co-accused Prince as well as his own disclosure statement are not admissible in evidence. Petitioner is in custody since 19.12.2024. Even charge has not been framed till date. The trial is likely to take sufficiently long time to conclude and no useful purpose will thus be served by detaining the petitioner in custody any more and he may be released on bail.

6. On the other hand, learned State counsel has opposed the bail and argued that petitioner has committed a heinous offence and in view of the gravity of offence, petitioner does not deserve the concession of bail.

7. 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 AIR 2020 SC 5592 **Tofan Singh versus State of Tamil Nadu**, 2024 INSC 290; **Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu versus State of Gujrat, Narcotics Control Bureau**, 2022 (1) RCR (Criminal) 762; **State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr.** and judgment dated 17.05.2023 in Special Leave to Appeal (Crl.) No.(s) 1266/2023 titled as **Vijay Singh vs. The State of Haryana**, has held as under:

"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."

8. Admittedly, the name of petitioner has cropped up in the disclosure statement of main accused namely Prince as well as his own disclosure statement. No contraband has been recovered from his possession. As to how much evidentiary value will be attached to the disclosure statement of co-accused shall be the subject matter of trial. Petitioner is in custody since 19.12.2024. The trial is, thus, likely to take a long time to conclude and further incarceration of the petitioner is, thus, not required.
9. 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.
10. Pending misc. application(s), if any, shall also stand disposed of.

22.09.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

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