



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

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CRM-M-47274-2025

Date of decision: 27th August, 2025

Manoj Kumar and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.S. Ghuman, Advocate for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The petitioners are making a prayer to extend the benefit of pre-arrest bail in case bearing FIR No. 222 dated 19.09.2022 registered under Section 18 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') at Police Station Special Task Force STF Wing, District Ludhiana, which was registered on the allegations that on 19.09.2022, a secret information was received that petitioner No.1 Manoj Kumar was going towards Gaushala Ladowal in his Innova vehicle, in which he was carrying opium and other intoxicating substances. It was also informed that there was a possibility of someone else having planted the intoxicating substance. Believing the secret information to be true, intimation was sent to the concerned quarters along with *ruqa*. FIR was registered. A barricade was laid at the informed place. The petitioner No.1 was apprehended. 500 grams of opium and 180 intoxicant tablets were recovered from the vehicle. It was



revealed that the accused Mukesh Kumar @ Khali had planted the intoxicating substances in the vehicle. Accused Mukesh Kumar was nominated as an accused. He suffered disclosure statement on the basis of which Gurukamal Singh @ illu was also nominated as such, who on arrest disclosed that he was instigated by accused Mukesh to plant the contraband in the vehicle of Manoj Kumar to implicate him in this case. During the course of investigation, the petitioner No.1 was found to be innocent. His name was kept in column No.2 of the challan report.

2. As revealed from the record, subsequently, challan was presented before the learned trial Court. The learned trial Court vide order dated 03.05.2025 observed that a *prima facie* case for commission of offences punishable under Sections 18, 22, 27 and 29 of NDPS Act was made out as against the present petitioners, passed an order for summoning them as such. Apprehending their arrest, the petitioners jointly moved an application for grant of pre-arrest bail which has been dismissed by the trial Court vide order dated 22.08.2025.

3. It is argued by learned counsel for the petitioners that they have been falsely nominated as accused in the disclosure statements of the co-accused. After conducting thorough investigation and finding that the recovered contraband did not belong to them, they were declared innocent and had not been arrested and challan was not presented against them. They had no concern with the recovered contraband and have been unnecessarily dragged into the case. They have challenged the order dated 03.05.2025 passed by the learned trial Court thereby summoning them as additional accused. They are ready to join the proceedings before the learned trial



Court. Their custodial interrogation is not required. No recovery is to be effected from them. Therefore, it is, urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. It is submitted by him that the petitioners were occupants of the vehicle from which the contraband was recovered on the fateful day. There are serious allegations against them. They are not entitled to discretionary relief of anticipatory bail. It is, therefore, urged that the petition does not deserve to be allowed.

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

7. The petitioner No.1 was named in the FIR. Recovery of contraband was admittedly effected from the vehicle which was occupied by the petitioners at the relevant time. However, as per the prosecution case, the said contraband was planted by Mukesh Kumar @ Khali, who is already facing trial. The petitioners have been summoned as additional accused by the learned trial Court in exercise of powers under Section 210(1)(b) of BNSS, which is pari materia with Section 190(1)(b) of Cr.P.C. as well as Section 336(A) (1) (D) of NDPS Act. Their custodial interrogation is of-course not required. Nor any recovery is to be effected from them. They were found innocent. In view of the peculiar circumstances, this Court is of the considered opinion that a case for grant of pre-arrest bail has been made out in favour of the petitioners. It is also well settled that pre-trial incarceration should not be a replica of post-conviction. As such, the petition



is allowed and the petitioners are ordered to be admitted to bail subject to their surrendering before the learned trial Court within a period of fifteen days and on their surrender within that period, they shall be released on bail by the trial Court on furnishing bonds to the satisfaction of the learned trial Court.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

27th August, 2025

Parveen Sharma

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