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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112+242

CRM-M-49881-2025 (O&M)
Date of decision: 10th December, 2025

Vikas Kumar @ Parontha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Narinder S. Lucky, Advocate for the petitioner.
Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

CRM-37314-2025

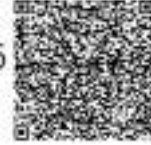
Allowed as prayed for.

Main case

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 182 dated 09.05.2025 registered under Section 22 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') (Section 29 of NDPS Act was added later on) at Police Station City Barnala, District Barnala.

2. As per the allegations, on receipt of a secret information, the accused Vicky Sharma, Jashanpreet and Shankar Singh were apprehended and

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recovery of 600 capsules of Rx Pregabalin and 40 tablets of Etizolam were effected from their conscious possession, which were taken into possession by the police. They were formally arrested. On basis of disclosure statement of the co-accused Janta Singh, the petitioner was nominated as an additional accused. He was arrested on 05.07.2025. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused- Janta Singh, which cannot be considered to be admissible in evidence. Neither he was named in the FIR nor any recovery has been effected from him. He is not involved in any other case of similar nature. The trial is likely to take considerable time to conclude as no prosecution witness has been examined so far. His continued detention would not serve any useful purpose. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Learned State counsel on the other hand, has argued that there are serious allegations against the petitioner. He had hatched a conspiracy with he co-accused and was engaged in procurement and distribution of the contraband in commercial quantity. He was an important link in the drug supply chain of commercial quantity. There are chances of his absconding or committing similar offences if extended benefit of bail. Therefore, it is stressed 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.

6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

7. The petitioner was nominated as an accused on the basis of disclosure statement of the co-accused Janta Singh. He is not involved in any other case of similar nature. He is in custody since 05.07.2025. The trial will obviously take time to conclude since all the prosecution witnesses are yet to be examined. In *Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1*, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless

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corroborated by independent material. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the NDPS Act does not come in the way of granting bail to the petitioner. The petitioner is in custody since 05.07.2025. In such circumstances, the trial is likely to take long time to conclude. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the

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concerned IO/SHO.

(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

10. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

10th December, 2025
Parveen Sharma

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