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

CRM-M-51190-2025

Date of Decision: 11.12.2025

ASHU

..... Petitioner

*Versus***STATE OF PUNJAB**

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. K.S. Dadwal, Advocate
for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.278 dated 04.09.2024, under Sections 21/22/29/61/85 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') registered at Police Station City Hoshiarpur, District Hoshiarpur (Annexure P-1).

2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

3. Brief facts of the prosecution case are that on 04.09.2024 ASI Satnam Singh alongwith other police officials was going towards Mahanta Da Dera in connection with search of suspected persons and when the police party crossed the corporation office, they saw two persons coming on foot from the opposite side, who on seeing the police party tried to run away, but on the basis of suspicion, they were



apprehended by the police party. On inquiry, one person disclosed his name as Bharat Adia and second person disclosed his name as Ashish @ Ashu. Firstly search of accused Bharat Adia was conducted and from the right pocket of his pant, polythene envelope containing Heroin like substance was recovered, which on weighing came to be 15 grams and from the said envelope 100 loose intoxicant tablets were also recovered. Thereafter, search of Ashish @ Ashu was conducted and from the right pocket of his capry, one polythene envelope containing 15 grams Heroin like substance and 100 loose tablets were recovered. Both the accused were arrested. During investigation, both the accused persons suffered disclosure statements that they had brought the above said contraband from Ashu (petitioner). Present petitioner was also arrested on 04.09.2024. After completion of investigation, final report was presented against the accused for trial.

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 statements of co-accused Bharat Adia and Ashish @ Ashu, which are not admissible in evidence. No contraband has been recovered from the possession of the petitioner. Challan has already been presented after completion of investigation. Trial will take a long time to conclude and no useful purpose shall be served by detaining the petitioner in custody and he may be released on bail.

5. On the other hand, learned State Counsel has opposed the bail and argued that in view of the gravity of the offence, petitioner 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 AIR 2020 Supreme Court 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 Special Leave to Appeal (Crl.) No.(s) 1266/2023, decided on 17.05.2023 **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."

7. In the present case, 15 grams heroin and 100 loose intoxicant tablets have been recovered from each of the co-accused. Name of petitioner has cropped up in the disclosure statements of co-accused Bharat Adia and Ashish @ Ashu. As per their disclosure statements, petitioner is the supplier of the contraband 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 statements suffered by co-accused. As to how much evidentiary value will be attached to the said disclosure statements will be seen during the trial. Petitioner is in custody since 04.09.2024. Trial is likely to take sufficiently long time to conclude and as such, no useful purpose will be served by detaining the petitioner in custody.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate concerned.

9. Pending misc. application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

11.12.2025

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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No