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

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Date of decision: 23.09.2025

Raj Kumar

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gyan Parkash, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNSS') in FIR No.12 dated 08.01.2025 registered for offences punishable under Sections 22(b) and 29 of the NDPS Act at Police Station Taraori, District Karnal.

2. The gravamen of the FIR in question is that on 08.01.2025, the police team led by ASI Vinod Kumar was on patrol duty near Taraori, G.T. Road when a secret informer revealed that accused Ajay, son of Darshan (village Sonkara), was present near the Tempo Stand, Taraori, with Tramadol and Alprazolam tablets for sale. Acting on this credible information, accused Ajay was apprehended in possession of an orange polythene bag. After being served a notice under Section 50 of the NDPS Act, the said accused opted for a search in the presence of a Gazetted Officer. In the presence of Gajender Kumar, DSP, 192 Tramadol capsules

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having weight of 96 grams and 600 Alprazolam tablets having weight of 60 grams quantities of contraband were recovered from his possession. Consequently, a case was registered. On interrogation, the accused Ajay disclosed that he had purchased the contraband from co-accused Mohit, who in turn had purchased it from co-accused Paras @ Pinchu on demarcation, co-accused Paras @ Pinchu and co-accused Vimal Kaushik were apprehended from a medical store and 520 Alprazolam tables weighting 52 grams were recovered; the batch number of the aforesaid Alprazolam is same as that of Alprazolam tablets recovered from the co-accused Ajay. Similarly, on 12.01.2025, 225 Tramadol capsules weighing 105 grams were recovered from the rented accommodation of co-accused Kameshwar. As per his disclosure statement, he stated that he had purchased the contraband from co-accused Paras, who in turn had purchased the same from the accused Raj Kumar (petitioner herein). The recovered substances were seized in accordance with due legal procedure.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated in the present case solely on the basis of the disclosure statement made by co-accused Paras Ahuja @ Pinchu, from whom no recovery of contraband has been effected. Learned counsel has further iterated that the alleged recovery in the present case pertains to an intermediate quantity, therefore the rigors of Section 37 of the NDPS Act are not attracted. Learned counsel has further iterated that no recovery, either of any narcotic substance or any other incriminating material, has been effected from the petitioner. Furthermore, there is no independent corroborative evidence linking the petitioner to the alleged offence and his



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name does not find mention in the FIR. The only basis for implicating the petitioner is the unsubstantiated disclosure statement of the co-accused. To buttress his arguments, learned counsel has placed reliance on the judgments of the Hon'ble Supreme Court titled as *Vijay Singh vs. State of Haryana (SLP (Crl.) No.1266/2023)*, *State (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr., 2022(1) RCR (Criminal) 762*, *Tofan Singh vs. State of Tamil Nadu, AIR 2020 SC 5592*, and *Smt. Naimunisha vs. State of Gujarat, NCB, 2024 INSC 290* to contend that disclosure statements unless leading to recovery are inadmissible in evidence. Learned counsel has emphasized that co-accused namely Sanjan Singh, has been granted the concession of anticipatory bail by this Court vide order dated 30.07.2025 passed in CRM-M-34442-2025 (Annexure P-3) and case of the petitioner stands on a better footing since he has clean antecedents unlike co-accused Sanjan Singh who is facing two more FIRs under the NDPS Act. Learned counsel has further pointed out that co-accused, including co-accused Ajay, from whom actual recovery was effected, have already been granted the concession of regular bail by the Court below. Learned counsel further asserts that nothing has been recovered from the possession of the petitioner and no further recovery is likely to be effected at his instance and thus, his custodial interrogation is neither warranted nor justified. Learned counsel further asserts that the petitioner has no intention of evading the process of law and undertakes to cooperate fully with the investigation. It is next submitted by the learned counsel that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him

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behind bars. On the basis of the aforementioned submissions, the grant of the instant petition is entreated for.

4. *Conversely*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations levelled against the petitioner are serious in nature. According to learned State counsel, the petitioner is actively involved in the illicit trade of narcotic substances and has an active role in the supply of the contraband in question. Referring to the status report dated 22.09.2025 filed in Court today by way of affidavit of Manoj Kumar, HPS, Deputy Superintendent of Police, (HQ), HSNCB, Madhuban, Karnal, learned State counsel submits that during the course of investigation, 09 accused persons have been arrested. According to learned State counsel, the complicity of the petitioner stands established from the disclosure of co-accused Paras, who admitted to purchasing 15 strips (225 tablets) of Tramadol from the petitioner at the rate of ₹150 per strip, which were later recovered from the rented premises of co-accused namely Kameshwar. Furthermore, the said disclosure is corroborated by call detail records (CDRs) obtained for the mobile numbers of accused Paras and of the petitioner, which revealed 15 calls exchanged on 13/14 December 2024. According to learned State counsel, these records independently establish involvement of the petitioner in the supply of contraband. Furthermore, the custodial interrogation of the petitioner is stated to be essential for the purpose of unearthing the complete supply chain of the narcotic substances and for effecting recovery of the contraband. Granting bail to the petitioner at this stage may seriously hamper the ongoing investigation and embolden the petitioner to tamper

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with evidence or influence key witnesses, many of whom may be susceptible to pressure or intimidation. Given the gravity of the offence, the larger public interest involved in curbing the menace of drug trafficking, and the potential threat to the fair conduct of the trial, it is respectfully submitted that the petitioner does not deserve the concession of anticipatory bail and it is prayed that the present petition deserves to be dismissed.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. It emerges from the record that on 08.01.2025, acting on credible secret information, co-accused Ajay was apprehended by the Police and substantial quantities of Tramadol capsules and Alprazolam tablets were recovered from his possession. During investigation, co-accused Ajay disclosed that he had purchased the contraband from co-accused Mohit who in turn had purchased it from accused Paras @ Pinchu. Subsequently on 12.01.2025, the name of the petitioner emerged based on the disclosure statement of Paras. At this stage, the alleged involvement of the petitioner founded principally on the disclosure statements of co-accused coupled with corroborative documentary evidence collected by the investigating agency during the course of investigation to substantiate the case of the prosecution. In addition the name of the petitioner surfaced not merely in a bald disclosure statement of the co-accused but stands corroborated by independent material in the form of Call Detail Records (CDR) which shows frequent telephonic contact between the petitioner and co-accused Paras immediately prior to



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the recovery of contraband from co-accused Kameshwar which, according to the investigating agency, substantiates the association between the petitioner and the co-accused, thereby lending *prima facie* credence to the allegation of the involvement of the petitioner. The aforesaid instances reflect a recurring pattern of conduct on the part of the petitioner and his deliberate and conscious role as supplier of contraband. Furthermore, the recovery of 225 Tramadol tablets from co-accused Kameshwar which has been sold to him by co-accused Paras in-fact originates from the petitioner, as disclosed during investigation. Thus, the contention that the petitioner has been implicated solely on the basis of an inadmissible disclosure does not merit acceptance.

7. It is pertinent to notice herein that although some of the co-accused have been granted the concession of bail, however, the case of each accused has to be assessed independently having regard to the specific role attributed to him and the material collected during investigation. The role of the present petitioner is not that of a mere consumer but that of an active supplier of contraband. Furthermore, the plea of parity with co-accused Sanjan Singh is also misplaced. Though he has been granted the concession of anticipatory bail by this case but in contrast the case of the petitioner stands on a different footing in as much as there exists specific corroborated evidence in the form of Call Detail Record coupled with the supply of 225 tramadol tablets, recovered from co-accused Kameshwar directly linking the petitioner to the supply of contraband in question which is absent in the case of co-accused.



8. The petitioner has been implicated for the commission of offences punishable under the NDPS Act with specific allegations of facilitating illicit trafficking of contraband substances. Furthermore, as per the prosecution, the petitioner played a pivotal role in the supply chain, having allegedly supplied a portion of the recovered contraband to co-accused which led to the recovery of the contraband in question. The investigation so far indicates the involvement of the petitioner in a well-organized network, engaged in the illegal distribution of psychotropic substances. The nature and gravity of the offence, coupled with the evidentiary material on record, justify further custodial interrogation to unravel the larger conspiracy and identify the other potential co-conspirators.

9. The nature of the allegations, coupled with the possibility of the petitioner being part of a larger nexus engaged in the unlawful trade of narcotic substances, raises serious concerns that cannot be brushed aside at this nascent stage of the investigation. The apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses who may be vulnerable to coercion does not appear to be without merit. Given the seriousness of the offence, the stage of investigation, the possibility of tampering with evidence or obstructing justice, and the overarching public interest in deterring the menace of narcotic drug trafficking, this Court is of the view that the petitioner does not merit the concession of bail at this juncture. Further, in light of the serious allegations, the custodial interrogation of the petitioner may be indispensable and crucial for unearthing the broader conspiracy and



identifying other potential accomplices, information which may be within the exclusive knowledge of the petitioner. The grant of anticipatory bail at this premature stage may seriously prejudice the ongoing investigation and potentially result in tampering with evidence or influencing material witnesses.

10. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also for reaching impact of such alleged iniquities on society. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***], the Supreme Court held as under, relevant whereof reads as under:

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”



At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusation of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation.

11. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, custodial interrogation of the petitioner may be necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

12. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

13. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 23, 2025
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No