

2025:PHHC:070209



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

220

CRM-M-55271-2024

Date of decision: May 21, 2025

MONU

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
Mr. Joban S. Dhaliwal, Advocate and
Mr. Gurjar S. Gill, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in the case FIR No.154 dated 19.04.2024 under Sections 22(C), 25 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (and Section 29 of the NDPS Act added later on), registered at Police Station Madhuban, District Karnal.
2. Learned Senior counsel appearing on behalf of the petitioner has contended that the petitioner has been falsely implicated in the instant case. It is submitted that the FIR (Annexure P-1) does not name the petitioner, nor was any recovery effected from him at the time of registration of the FIR or during the course of the initial investigation.
3. Attention of this Court has also been drawn to the fact that the petitioner came to be nominated as an accused solely on the basis of disclosure statement made by co-accused Anil, from whom a recovery of



20,900 tablets – comprising 9,500 tablets of Tramadol and 11,400 tablets of Alprazolam – was allegedly effected. It is contended that the disclosure statement of a co-accused, without corroboration, carries weak evidentiary value and cannot form the sole basis for further incarceration of the petitioner.

4. It has been further submitted by the learned Senior counsel that the petitioner has been in custody since 27.07.2024, and despite the presentation of challan on 03.10.2024 and framing of charges thereafter, the trial is at a nascent stage, with 19 prosecution witnesses yet to be examined. In such circumstances, it is urged that further incarceration of the petitioner would serve no useful purpose and he be enlarged on bail.

5. Learned State counsel has filed the status report by way of affidavit of the Deputy Superintendent of Police, Karnal on behalf of the respondent-State in the Court today, which is taken on record subject to all just exceptions.

6. *Per contra*, learned State counsel, on instructions, while opposing the prayer and submissions made by the counsel opposite, has submitted that the petitioner has been specifically named in the disclosure statement of co-accused Anil as the supplier of the aforementioned contraband, which is of commercial quantity. It is further submitted that the petitioner is not a first-time offender and is involved in at least 2 other cases under the NDPS Act, which makes it clear that he is a habitual offender.



7. Learned State counsel has also apprised this Court that after the presentation of challan on 03.10.2024, charges have already been framed and now the case is fixed for recording of prosecution evidence, and therefore, the trial has been proceeding at a considerably good pace.

8. I have heard learned counsel for the parties and perused the relevant material placed on record.

9. It is *prima facie* evident that the petitioner has been named as the supplier of the 'commercial' quantity of the contraband recovered from the co-accused, and he is also stated to be involved in 2 other cases under the NDPS Act. These facts lend credence to the assertion made by the learned State counsel that the petitioner is a habitual offender.

10. The nature and quantity of the contraband recovered in this case, having been classified as 'commercial' in nature, attract the rigours of Section 37 of the NDPS Act. Given the statutory bar on grant of bail in such cases, and considering the antecedents of the petitioner and the stage of trial, this Court is not inclined to extend the concession of regular bail to the petitioner.

11. Accordingly, the instant petition stands dismissed.

12. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 21, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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