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

237

**CRM-M-53817-2025 (O&M)
Date of decision: 15.12.2025**

Nonso Rexflison @ Big Bro**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Tarun Singhal, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 210 dated 07.05.2025, registered under Sections 21(C), 22(B) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 14 of the Foreigners Act at Police Station Badshahpur, District Gurugram.

2. Brief facts of the case relevant for the disposal of the present petition are that on 07.05.2025, on the basis of a secret information, co-accused Abu Sanny Ola @ Abu Sunny Ola, who is a Nigerian national, was apprehended by a police party and recovery of 12 grams of MDMA (Crystal) was effected from him. He was formally arrested at the spot. During interrogation, he disclosed that he had brought the recovered contraband from the present petitioner. On the basis of the same, the petitioner was nominated

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as an accused in this case and was arrested on 07.05.2025. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offence.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. The petitioner was neither found at the spot nor was named in the FIR. No recovery has been effected from him. He has clean antecedents. He is in custody since 07.05.2025. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take considerable time. Co-accused Abu Sanny Ola @ Abu Sunny Ola has already been granted concession of bail by this Court, vide order dated 11.11.2025 passed in **CRM-M-51602-2025**. On parity, the petitioner too deserves to be given the same benefit. His case is even on better footing. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report as well as the custody certificate of the petitioner has been filed by the respondent-State. It is argued by learned State counsel that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. It is, thus, urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The well settled proposition of law is that the Court while

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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 case of the prosecution is that the name of the petitioner was disclosed by the above named co-accused, from whom recovery of aforementioned quantity of the contraband was effected. As per his disclosure statement, he had sourced the contraband from the petitioner. 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 corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. The petitioner was arrested on 07.05.2025. There is nothing on record, at this stage, to connect the petitioner either with the subject crime or to show that he was connected with the co-

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accused in any manner at the relevant time. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time. The petitioner has clean antecedents. Co-accused, from whom the alleged recovery was effected, has already been granted concession of bail by this Court. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/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 and shall appear before the learned trial Court on each and every date.
- (ii) he shall deposit his passport with the learned trial Court and 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 local address where he would be residing after release and shall not change the same without informing the 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 switched on all times.

8. In the event of there being any FIR/complaint lodged against the

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petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

15.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No