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

CRM-M-57927-2025 (O&M)
Reserved on : 27.10.2025
Pronounced on : 30.10.2025

Gauri Shankar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vikramjeet Singh, 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. 288 dated 23.07.2024, registered under Sections 15-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Mandi Dabwali, District Sirsa.
2. Brief facts of the case relevant for the disposal of the present petition are that on 23.07.2024, a secret information was received that the petitioner and co-accused Satish Kumar, Navpreet Singh, Narender Kumar and Dinesh Kumar were travelling in a Verna car bearing registration number HR-24R-4292 and another car make i-20 bearing registration number DL-8CT-0615 was following that car. It was informed that the persons travelling in these vehicles were carrying huge quantity of poppy husk and were going to Punjab from the jurisdiction of Police Station City Dabwali. Believing the secret information to be reliable, a barricade was immediately laid after sending

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information to the police station to register FIR. Sometime thereafter, the above mentioned Verna car was found coming from Chautala road side. Signal was given to stop the vehicle. Co-accused Satish Kumar, Navpreet Singh and Narender Kumar were found sitting in the same. Co-accused Narender Kumar tried to escape but was apprehended by the police officials. In the meanwhile, the abovementioned i-20 car was also seen coming. The driver thereof tried to avert the police party by turning the car but the ignition of the vehicle went off. The occupants of the car were apprehended and they disclosed their names as Gauri Shankar (petitioner) and Dinesh Kumar. After completion of usual formalities, personal search of all the apprehended persons was conducted and thereafter the vehicles were checked. Bags containing poppy husk were found kept in the i-20 car which was occupied by co-accused Dinesh Kumar and the present petitioner. On weighing, it was found to be 80 kgs. The same was taken into possession. The abovenamed accused persons suffered disclosure statements that the recovered contraband was jointly purchased by them from co-accused Bhanwar Lal @ Bhanwar Singh. He was accordingly nominated and as an accused and arrested on 25.07.2024. He disclosed that he had sold the recovered contraband to the present petitioner and co-accused Dinesh Kumar for a sum of Rs.2,08,000/-. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The petitioner was not the owner of the aforesaid i-20 car from which the alleged recovery was effected. He had no knowledge about any contraband being kept in the said car. Mandatory provisions of the

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NDPS Act were not complied with properly. No independent witness was joined. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time. Co-accused Bhanwar Lal @ Bhanwar Singh, Navpreet Singh, Narinder Singh and Satish Kumar have been granted concession of regular bail by this Court. On parity, the petitioner too deserves the same benefit. He is in custody since 23.07.2024. He has clean antecedents. No useful purpose would be served by sending him back to custody. It is, therefore, urged that he deserves to be released on regular bail.

4. Custody certificate of the petitioner has been filed by the respondent-State. It is argued by learned State counsel that the petitioner is not entitled to get benefit of bail as commercial quantity of the contraband was recovered from the car in which he along with co-accused Dinesh Kumare was travelling. Hence, the rigors of Section 37 of the NDPS Act would be attracted against him. The case of the petitioner is not at par with that of above named co-accused, who have been granted concession of bail by this Court. Trial may be expedited. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions made by both the sides.

6. As per the allegations, on 23.07.2024, recovery of 80 kgs. of poppy husk was effected from an i-20 car, in which the petitioner was travelling along with co-accused Dinesh Kumar. The said quantity of the contraband obviously falls within commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The case of the abovenamed co-accused, who have been granted concession of bail by this

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Court, cannot be stated to be at par with that of the petitioner as co-accused Bhanwar Lal @ Bhanwar Singh was nominated on the basis of the disclosure statement by co-accused, whereas no recovery was effected from personal search or from the car of co-accused Navpreet Singh, Narinder Singh and Satish Kumar. There are serious allegations against the petitioner. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

30.10.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No