

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:149755



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CRM-M-58031-2025 (O&M)
Date of decision:31.10.2025

Vikram @ Bakra @ Vikram Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No.663, dated 30.12.2024, registered under Section 20(b)(II)(C) of the NDPS Act (offences under Sections 27(a) and 29 of the NDPS were added later on), at Police Station Bhiwani Sadar, District Bhiwani.

2. As per allegations, on 30.12.2024, on the basis of a secret information, accused Kuldeep @ Somi was apprehended while he was present in his house and after serving due notices and completion of formalities, 51 kgs and 854 grams of *ganja* (Caribbean) was recovered from his conscious possession and was taken into custody. Accused Kuldeep @ Somi was interrogated and suffered disclosure statement to the effect that he

was involved in the business of sale of contraband in association with the present petitioner. About 5-6 days back also, the petitioner had taken Rs.1 lakh from him assuring that he would deliver cannabis to him. He further disclosed that on the evening of 25.12.2024, the petitioner along with his two associates had come near his house and had supplied 70 kgs of cannabis at his residence. He had sold some quantity of the same. On the basis of his disclosure statement, petitioner was nominated as an accused.

3. As per the further allegations, the petitioner was arrested on 01.01.2025. He suffered disclosure statement admitting his involvement in the crime and also disclosed names of the co-accused. Co-accused were also apprehended. Investigation now stands completed and petitioner along with co-accused is facing trial for commission of aforementioned offence.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused, which cannot be considered to be admissible in evidence. He is in custody since 01.01.2025. He is not involved in any other case under the provisions of the NDPS Act. No recovery is to be effected from him. His further incarceration would not serve any useful purpose. The trial will take considerable time to conclude. Co-accused Virender @ Biru has been extended benefit of bail. On parity, he too deserves to be given the same benefit. It is, therefore urged that he deserves to be released on bail.

5. Per contra, learned State counsel has submitted that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

6. This Court has heard the rival submissions made by learned

counsel for the parties at a considerable length.

7. The petitioner along with the co-accused is alleged to be involved in sale of contraband. No contraband had been recovered from him. As per the allegations, co-accused had supplied contraband to him but no recovery of such contraband had been effected from him. Neither any such amount of money had been recovered. His further detention would not serve any useful purpose. The co-accused had also been extended benefit of bail.

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

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 contraband has been effected. 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 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. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the Act does not come in the way of granting bail to the petitioner. The petitioner is in custody since 01.01.2025. Challan has been presented. In such circumstances, the trial is likely to take long time to conclude. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ 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.
- (ii) he 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 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 petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

31.10.2025

harjeet

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

(MANISHA BATRA)
JUDGE