



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

207

CRM-M-59705-2024

Date of decision: February 25th, 2025

Ram Chander @ Ramu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Puran Singh Hundal, Senior Advocate
with Mr. Vikramjeet Singh
and Mr. Gursahib Singh Hundal, Advocates
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J.

The petitioner is seeking the concession of anticipatory bail in FIR No.108 dated 21.04.2024 under Sections 15-C/25/29 of the NDPS Act, 1985, registered at Police Station Ding, District Sirsa.

2. Learned senior counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case in the absence of any direct evidence linking him to the alleged offence. It has been urged that the petitioner was neither named in the FIR nor is it the case of the prosecution that he was anywhere in the near vicinity when co-accused Vikas Kumar was apprehended with 2245 kilograms of poppy straw. It has been asserted that the petitioner's implication, is based solely on a third disclosure statement made by a co-accused while in police custody, which was recorded after an unexplained delay of seven days. Learned senior counsel submits that such a disclosure statement, being weak in evidentiary value, cannot form the sole basis

of prosecution, much less conviction. It is further submitted that apart from this disclosure statement, no independent or corroborative evidence has been collected by the investigating agency to establish the culpability of the petitioner in the present FIR. Emphasizing these circumstances, learned senior counsel contends that custodial interrogation of the petitioner would serve no useful purpose more so when no recovery is to be effected from him.

3. *Per contra*, learned State counsel, on instructions, has vehemently opposed the prayer made by the learned senior counsel for the petitioner for extending the extraordinary concession of anticipatory bail to the petitioner. It has been contended that there are grave and serious allegations against the petitioner, who is allegedly involved in the financing and operation of a well-organized drug cartel. It has been further submitted that co-accused, Vikas Kumar, from whom a massive quantity of 2245 kilograms of poppy husk was recovered, specifically named the petitioner in his disclosure statement (Annexure R-1), stating that the petitioner had handed him a bag full of cash to finance the drug operation. Additionally, the investigating agency, as per the learned State counsel, has retrieved telephonic conversations and WhatsApp chats between the petitioner and the co-accused, which establish the petitioner's direct involvement in the illicit trade.

4. Learned State counsel has further apprised this Court that the petitioner is a habitual offender with a criminal history, having been involved in seven other cases, six of which pertain to offences under the NDPS Act. Given these antecedents, it is submitted that custodial interrogation of the petitioner is imperative to unearth the larger conspiracy and ascertain the full extent of his role in the illicit narcotics

trade.

5. Having considered the rival submissions and perused the material placed on record, this Court is of the *prima facie* view that the allegations against the petitioner are grave. The petitioner has been implicated in the present case not merely on the basis of a disclosure statement but also through specific electronic evidence linking him to the crime. The recovered contraband, being far in excess of the commercial quantity as defined under the NDPS Act, underscores the seriousness of the offence.

6. Furthermore, the criminal antecedents of the petitioner indicate a pattern of repeated involvement in drug related offences, reinforcing the contention made by the learned State counsel that he is an integral part of an organized drug syndicate. The gravity of the allegations, coupled with the necessity of custodial interrogation to unravel the larger conspiracy and financial trail, weigh against the grant of anticipatory bail.

7. This Court also cannot ignore the wider ramifications of drug trafficking, which has emerged as a pervasive menace in the region, devastating countless lives and fueling organized crime.

8. For the foregoing reasons, this Court finds no merit in the present petition. Accordingly, the instant petition stands dismissed.

9. 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.

February 25th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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