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

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CRM-M-60676-2025 (O&M)
Date of decision : 10.12.2025

Surya Dev ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Manjot Kaur, Advocate
for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 141 dated 05.03.2024, registered under Sections 21C, 22C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sector 32-33, Karnal.
2. Brief facts of the case relevant for the disposal of the present petition are that on 05.03.2024, a secret information was received to the effect that co-accused Sanchit Narang was indulged in illegal business of sale of intoxicating drugs. Believing the information to be reliable, a raid was conducted at his house on the same day. The Drug Inspector was also called at the spot. On search, recovery of 2145 tablets of Alprazolam, 1280 tablets of Lomotil and 808 capsules of Tramadol was effected from the house of the said co-accused. The same was taken into police possession. Upon interrogation, the above named co-accused suffered disclosure statement admitting his involvement in the sale of intoxicating drugs and also disclosed that the petitioner had supplied contraband

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to him. On the basis of the same, the petitioner was nominated in this case as an accused and was arrested on 25.06.2024. Upon interrogation, the petitioner disclosed that the drugs recovered from co-accused Sanchit Narang was supplied by him after taking the same from co-accused Mayank Sharma @ Suraj, who was also nominated as accused in this case and was arrested on 27.06.2025. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, 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 neither named in the FIR nor was found at the spot. No subsequent recovery has been effected from him. He has been nominated in this case based on the disclosure statement suffered by above named co-accused, which cannot be considered to be admissible in evidence. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial would take a long time. The petitioner is in custody since 25.06.2024. He has clean antecedents. No useful purpose would be served by keeping him in custody anymore. Co-accused Mayank Sharma @ Suraj has been granted concession of regular bail by this Court. On parity, he too deserves to be given the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. Status report and custody certificate of the petitioner have been filed by the respondent-State. Learned Deputy Advocate General, Haryana has argued 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, argued that the petition is liable to be dismissed.

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5. This Court has heard the rival submissions.

6. 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. 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 commercial 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 25.06.2024. There is nothing on record, at this stage, to connect the petitioner either with the subject crime or

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to show that he was connected with the co-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 Mayank Sharma @ Suraj 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/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

8. 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.

10.12.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No