



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

108

CRM-M-62986-2025 (O&M)
Date of decision: 28.11.2025

Aamir

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Rosi, Advocate for the petitioner

Mr. B.S. Saroha, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 BNSS for grant of anticipatory bail to the petitioner in case FIR No.77 dated 11.05.2025, registered under Sections 61, 20(b)(ii) B of NDPS Act, at Police Station Rewari Sadar, District Rewari.

2. Tersely, the facts reveal that on 10.05.2025, when police party were present at Bus Stand, Dharuhera in connection with patrolling duty, when secret informer had gave an information that one person is coming to sell cannabis (ganja) near Village Hansaka, Rewari. Upon receiving this information, they went there and saw that a man was standing while carrying a bag on his back and on suspicion, he was apprehended and disclosed his name as Sahabudeen. After apprising of his rights, search was conducted and recovery of 5 kg and 68 grams of cannabis was effected. The requisite samples were drawn and sealed. Ruqa was sent, on the basis of which, an FIR was registered. Thereafter, he, in his disclosure statement, stated that the petitioner had sold the contraband to him. On



the basis of this information, he has been nominated in the present case.

3. Learned counsel contends that the petitioner has been implicated based on the disclosure statement and has no connection whatsoever with the co-accused Shahabudeen, which is not admissible and thus, there is no evidence against the petitioner regarding his complicity in the present case in view of **Tofan Singh vs. State of Tamil Nadu**, (2021) 4 SCC 1.

4. Learned State counsel has filed status report dated 25.11.2025, which is taken on record and he refers to para 7 thereof, wherein it has been specifically stated that during course of investigation, CDR and IDCAF phone number was obtained and taken into police possession, in addition thereof reveals that there was call log between both of them. He opposes the prayer on the ground that as per the disclosure statement of co-accused Sahabudeen, the petitioner had sold the contraband to him. He is also involved in 3 more cases under NDPS Act and 1 IPC. Custodial interrogation of the petitioner is required in the instant case to find the source of origin, the entire chain of supply of contraband and the other drug peddlers involved, if any. There is every possibility of the petitioner fleeing from justice and apprehension of him repeating the offence, influencing and threatening the witnesses or tampering with the evidence. Thus, the learned state counsel prays for the dismissal of the instant petition.

5. Heard.

6. It is apposite to make a reference to the order of Hon'ble The Supreme Court of India in the case of **Prabhulal vs. Central Bureau of Narcotics**, wherein the SLP (Crl.) 6744-2022 was dismissed vide order dated 14.12.2022, affirming the order of dismissal of anticipatory bail by Madhya



Pradesh High Court, by observing thus:-

“We have heard learned counsel for the parties. We find no reason to grant pre-arrest bail to the petitioner as prayed for. The Special Leave Petition is, accordingly, dismissed.

The interim protection granted by order dated 11.10.2022 stands vacated in view of the dismissal of the special leave petition.

However, if the petitioner surrenders and apply for regular bail, the same may be considered by the Trial Court as expeditiously as possible on its own merits in accordance with law.”

7. Furthermore, a gainful reference be made to **State of Haryana vs. Samarth Kumar**, 2022 (3) R.C.R. (Criminal) 991, wherein Hon’ble the Supreme Court of India has held thus:-

“7. The order of the Special Court granting regular bail to the respondents shows that the said order was passed in pursuance of the anticipatory bail granted by the High Court. Therefore, the same cannot be a ground to hold that the present appeals have become infructuous.

8. In cases of this nature, the respondents may be able to take advantage of the decision in *Tofan Singh vs. State of Tamil Nadu* (supra), perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.

9. To grant anticipatory bail in a case of this nature is not really warranted. Therefore, we are of the view that the High Court fell into error in granting anticipatory bail to the respondents.

10. In view of the above, the appeals are allowed. The impugned orders are set-aside. As a consequence, the Appellant –State is entitled to take steps, in accordance with law.”

8. In the case in hand, the name of the petitioner has surfaced based on the disclosure statement of co-accused Sahabudeen, who was apprehended at the spot with contraband, it being 5 kg and 68 gms of ganja, who had categorically disclosed that he purchased the same from the petitioner and there were calls



exchanged between them as well. Even, the petitioner is involved in 3 more cases under the NDPS Act, besides another under IPC. The sole ground taken for grant of anticipatory bail that the disclosure statement of co-accused is inadmissible, has no force, in view of the decisions of Hon'ble the Supreme Court in the cases of **Prabhulal** and **Samarth Kumar**(supra). The investigation is at a nascent stage and his custodial interrogation is imperative so as to complete the chain of supply and also to ascertain the persons who may be involved in this nexus. In case, the petitioner is granted the concession of anticipatory bail then prejudice would be caused to the case of the prosecution.

9. In **Dinesh Chander vs. State of Haryana**, CRM-M-5507-2025, a case involving recovery of commercial quantity of contraband from the co-accused, on whose disclosure the petitioner therein was nominated, this Court declined to grant anticipatory bail on 05.05.2025 and the SLP (Crl.) 9540-2025, filed against which also came to be dismissed on 07.07.2025, on the ground there to be no error in the same.

10. The stringent provisions as contained in the statute, are to deal with the drug menace plaguing the society, as the youth are being led on a path having deleterious effects, thereby destroying the very social fabric.

11. Keeping in view the antecedents of the petitioner and the judgments referred to above, grant of protective umbrella of pre-arrest bail to him will hamper the thorough and effective investigation to discover the modus operandi and elicit the truth, that coupled with the apprehension that cannot be ruled out of the petitioner influencing and threatening the witnesses or tampering with the evidence, or fleeing from justice, this Court is not inclined to grant the concession of anticipatory bail to him.

12. As a sequel, the present petition being devoid of merit, is hereby dismissed.

(AMAN CHAUDHARY)
JUDGE

28.11.2025

M.Kamra	Whether speaking/reasoned	:	Yes / No
	Whether reportable	:	Yes / No