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

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CRM-M-65818-2025 (O&M)
Date of decision : 10.12.2025

Pradyumna Pradhan @ Pintu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Baljeet Beniwal, 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. 948 dated 21.12.2024 registered under Sections 20 and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') at Police Station Sector 58, Faridabad.

2. The aforementioned FIR was registered on the allegations that on 21.12.2024, on the basis of a secret information to the effect co-accused Wasim, Asha Kaur and Babli Kaur were involved in the business of sale of contraband and on that very day also, they were present near Babe Da Dhaba, village Sikri along with some contraband and were waiting for someone and that they could be apprehended along with the contraband, a raiding party was immediately formed by ASI Sandeep Kumar. They reached at the informed place. The above named co-accused, who were standing there, were identified by secret informer. They were apprehended. Requisite notices were issued. The

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plastic bags were checked and 15 kg and 460 grams of ganja was recovered from the bag carried by the petitioner whereas, 15 kg and 330 grams of ganja was recovered from the plastic bag carried by accused Asha and 15 kg and 260 grams of ganja was recovered from the bag of accused Babli. The same were taken into possession by the police. Co-accused Wasim suffered disclosure statement to the effect that the recovered contraband was procured from the present petitioner. On the basis of the same, the petitioner was nominated in this case as an accused and was arrested on 28.12.2024. After completion of necessary investigation and usual formalities, challan was presented in 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 on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. He has clean antecedents. No subsequent recovery has been effected from him. He is in custody since 18.12.2024. There is nothing on record to show that the petitioner was involved in the subject crime in any manner with the co-accused. Even otherwise, investigation has since been completed and challan qua him has been filed. Conclusion of trial is likely to take considerable time. Co-accused Wasim, from whom the aforesaid recovery was effected, has already been granted concession of bail by this Court. The petitioner is on better footing than him. He too deserves to be given the same benefit. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

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4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel 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.

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 the aforementioned 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

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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 18.12.2024. There is nothing on record, at this stage, to connect the petitioner either with the subject crime or 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 Wasim, against whom there are graver allegations, 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

Yes/No

Whether reportable

Yes/No