

S. No.248

2025:PHHC:166824



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

CRM-M-66042 of 2025

Date of Decision:01.12.2025

Sohan Lal

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Tanvir Joshi, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

Yashvir Singh Rathor, J. (Oral)

1. This is the first petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.183 dated 17.07.2025, under Section 22(c) of NDPS Act, 1985 (Sections 27, 29 of NDPS Act, 1985 subsequently added) registered at Police Station Lambi, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

3. Brief facts of the prosecution case are that on 17.07.2025, ASI Sukhraj Singh was present at Police Station Lambi when he received secret information to the effect that ASI Jarnail Singh alongwith other officials was on patrolling duty, in a government vehicle and when the police party was about 100 meters from Water Works Market Killianwali, on the side of Village Singhewala-

Futuhiwala reached, two young men were seen standing on the left side of the



road, waiving their hands in a black polythene envelope, who panicked after seeing the police party. Then ASI Jarnail Singh stopped the vehicle and apprehended both the young men who disclosed their names as Sarabjit Singh @ Gora and Mohan Lal. The black envelope was opened which was found to be containing intoxicants. Co-accused Sarabjit Singh @ Gora and Mohan Lal were apprehended on the spot and on interrogation, they disclosed the name of the petitioner – Sohan Lal as the person from whom they had purchased the intoxicant. Thereafter, petitioner was arrested on 19.07.2025 and after completion of investigation, final report was presented in the Court for trial.

4. Learned counsel for the petitioner argued that he has been falsely implicated in the present case. His name has cropped up in the disclosure statement of co-accused Sarabjit Singh @ Gora and Mohan Lal, which is not admissible in evidence. No contraband has been recovered from the possession of the petitioner. Challan has already been presented after completion of investigation. Learned counsel further contended that since no recovery has been effected from the petitioner, the rigors of Section 37 of NDPS Act are not attracted and petitioner, thus, be released on bail.

5. On the other hand, learned State counsel has opposed the bail and argued that the petitioner is the mastermind of the operation and in view of the gravity of offence, he does not deserve the concession of bail.

6. A Co-ordinate Bench of this Court in **Anshul Sardana versus State of Punjab**, passed in CRM-M-65094-2024 (2025:PHHC:004198), after relying upon the law laid down by the Hon'ble Supreme Court in Tofan Singh



versus State of Tamil Nadu, AIR 2020 Supreme Court 5592; Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu versus State of Gujrat, Narcotics Control Bureau, 2024 INSC 290; State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr.', 2022 (1) RCR (Criminal) 762; and Vijay Singh vs. The State of Haryana, bearing Special Leave to Appeal (Crl.) No.(s) 1266/2023, decided on 17.05.2023, has held thus:

"6.3 It is a well established principle of law that a confession made by a co-accused under Section 67 of the NDPS Act is inherently a very weak piece of evidence. Such statement(s), by themselves, cannot form the sole basis for the conviction of an individual and must be scrutinized with utmost caution in conjunction with other substantive evidence. Moreover, no recovery has been effected from the possession of the petitioner, who has been subsequently implicated as an accused solely on the basis of disclosure statement of the co-accused. However, as regular bail pertains to life and liberty of individual, Courts are obligated to strike a balance between safeguarding personal liberty and ensuring the effective administration of justice as also investigation. The final evidentiary value and admissibility of the disclosure statement made by a co-accused fall within the domain of the trial Court and are to be adjudicated during the course of the trial in accordance with established principles of law.

However, while adjudicating a plea for regular bail, this Court cannot remain oblivious to the circumstances under which the petitioner has been arraigned or implicated, including the nature of the allegations, the evidence linking the petitioner to the offence as well as the specific role attributed to the petitioner in the commission of the alleged offence. A prima facie examination of these



factors is essential to ensure that the process of law is not misused, abused or misdirected."

7. Petitioner is in custody since 19.07.2025 and his name has cropped up in the disclosure statement of co-accused Sarabjit Singh @ Gora and Mohan Lal. As per disclosure statement, the co-accused had purchased the intoxicant from the petitioner and thereafter, the petitioner was arrested. Nothing has been recovered from his possession and at this stage, there is no material to connect him with the alleged offence except disclosure statement suffered by co-accused. As to how much evidentiary value will be attached to the said disclosure statement will be seen during the trial. Trial is likely to take sufficiently long time to conclude and no useful purpose will be served to detain the petitioner in custody.
8. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.
9. Pending misc. application(s), if any, shall also stand disposed of.

(Yashvir Singh Rathor)
Judge

December 01, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No