



242

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

CRM-M-68318-2025

Date of Decision: 09.12.2025

ASHWANI SHARMA @ ASHVANI KUMAR

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Dinesh Maurya, Advocate with
Mr. Pardeep, Advocate and
Mr. Parmod, Advocate for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

YASHVIR SINGH RATHOR, J. (Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.521 dated 18.10.2023 under Section 22(b) of NDPS Act, 1985 and Section 29 (added later on) of NDPS Act, 1985 registered at Police Station City Bhiwani, District Bhiwani (Annexure P-1).

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 18.10.2023, ASI Rakesh Kumar alongwith other police officials was present at Dadri Gate, Bhiwani in connection with patrolling duty when he received secret information that one Saurabh who indulges in sale of narcotics is standing



near Shiv Temple. Thereafter, said Saurabh was apprehended by the police party and upon search, 109 tablets of Alprazolam 0.5mg (14.31 gram) and 110 capsules of Proxywel SPAS (59.125 grams) were recovered. The contraband was taken into possession. On interrogation, accused Saurabh suffered disclosure statement to the effect that contraband was supplied to him by Phool Kumar who was also arrested and he suffered disclosure statement that he had brought contraband from one Vijay Kumar. Said Vijay Kumar was also arrested and upon his disclosure statement, he nominated Ashwani Sharma (present petitioner) as the supplier who was arrested on 17.07.2025. After completion of investigation, final report was presented against the accused 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 Vijay Kumar, 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. Trial will take a long time to conclude and no useful purpose shall be served by detaining the petitioner in custody and he may be released on bail.

5. On the other hand, learned State Counsel has opposed the bail and argued that in view of the gravity of the offence, petitioner 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, after relying upon the law laid down by the Hon'ble Supreme Court in AIR 2020 Supreme Court 5592 ***Tofan Singh versus State of Tamil Nadu***,; 2024



INSC 290 *Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu versus State of Gujrat, Narcotics Control Bureau;* 2022 (1) RCR (Criminal) 762 *State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr.*'; and Special Leave to Appeal (Crl.) No.(s) 1266/2023, decided on 17.05.2023 *Vijay Singh vs. The State of Haryana*, 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. In the present case, Alprazolam 0.5mg (14.31 gram) and 110 capsules of Proxywel SPAS (59.125 grams) were recovered from the co-accused- Saurabh. Petitioner is in custody since 17.07.2025 and his name has cropped up in the disclosure statement of co-accused Vijay Kumar. As per his disclosure statement, the petitioner is the supplier of the contraband 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 shall be subject matter of trial. Trial is likely to take sufficiently long time to conclude and no useful purpose will, thus, be served by detaining the petitioner in custody.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate concerned.

9. Pending misc. application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

09.12.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No