



CRM-M-4007-2026

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

CRM-M-4007-2026

Date of Decision: 11.02.2026

Anish @ Mohd. Hanif

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Devansh Gupta, Advocate and
Ms. Ayushi Mittal, Advocate, for the petitioner.
Ms. Diya Sodhi, Sr. DAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.238 dated 25.06.2024, registered under Section 21-C of NDPS Act, 1985, at Police Station Sarai Khawaja, District Faridabad.

2. Succinctly, facts of the case are that on 25.06.2024, the police received a secret information to the effect that one Surender Kumar, resident of Gautam Buddha Nagar, UP, is having possession of intoxicant tablets and he is standing below the Metro Pillar No.442, near Power House Sarai, Faridabad on his motorcycle. It was informed that he is waiting for his customer to sell the contraband and in case of raid, he could be arrested along with the contraband. On finding the information reliable, a raiding party was constituted and the police party reached at the disclosed place. A person, as informed, was found standing along with his motorcycle. On seeing the police, he got perplexed and tried to escape, however, he was overpowered by the police party. On asking, he disclosed his name to be Surender Kumar. He was suspected to be carrying some contraband. After giving offer for his personal search, his search was conducted and from the right pocket of his pant, total 200 tablets of Buprenorphine were recovered.



He failed to produce any licence regarding possession of the same. Hence, he was arrested on the spot and the FIR was registered. The investigation commenced and recovered substance was sent to the FSL lab. During investigation, Surender Kumar made a disclosure statement about the involvement of present petitioner and thus, he was also arrayed as an accused and resultantly, he was arrested on 27.08.2025. The petitioner approached the Court of learned Additional Sessions Judge, Faridabad twice praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail applications filed by the petitioner vide orders dated 08.10.2025 and 08.12.2025, respectively. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case on the disclosure statement of the co-accused, namely, Surender Kumar, who has already been granted bail by this Court vide order dated 25.04.2025 passed in CRM-M-62948-2024. He submits that the petitioner is 73 years of age, who has no criminal antecedents. He further submits that disclosure statement of the co-accused itself is not an admissible evidence. He, thus, submits that once the co-accused from whom the alleged recovery has been effected is on bail, the petitioner also deserves to be granted regular bail.

4. *Per contra*, learned State counsel has submitted that during investigation, complicity of the petitioner established and on the basis of the call details, it was found that the petitioner was in contact with the co-accused. On instructions, she submits that the petitioner had earlier remained in rehabilitation centre. She further submits that out of 21 prosecution



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witnesses, no witness has been examined till date. She has placed on record the custody certificate of the petitioner. However, she admits that co-accused Surender Kumar has already been granted bail by this Court vide order dated 25.04.2025.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrayed as an accused on the basis of disclosure statement of the co-accused, namely, Surender Kumar, who is admittedly on bail. The custody certificate would show that the petitioner has suffered incarceration of 05 months & 14 days as on 10.02.2026. It further shows that the petitioner has no criminal antecedents.

6. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public



interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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23. There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.’

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

11.02.2026
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No