

2026.PHHC.057104



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-6305-2026

Date of decision: 16th April, 2026

Maunis

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. J.S. Salana, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 80 dated 05.03.2025 registered under Sections 20(b)(ii)(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '*NDPS Act*') (Section 29 of NDPS Act was added later on) at Police Station City Sohana, District Gurugram.

2. As per the allegations, on 05.03.2025, a secret information was received to the effect that a Verna car bearing registration No.DL-4C-AQ-1574 was lying parked in an abandoned condition in a street behind the Radhakrishna Temple, village Baluda and it was containing some intoxicating

2026.PHHC.057104



material. It was also informed that *ganja* could be recovered from the same. Believing the secret information to be true, a raiding party was formed which reached at the informed place. No person was found present in the car. On checking the same, one e-receipt issued by the Transport Department, photocopy of a registration certificate showing that the vehicle was owned by accused Mohd. Arif and some packets were found kept in the vehicle. On checking those packets, 01 quintal, 96 kg and 320 grams of *ganja* was recovered from the same, which was taken into possession. Investigation proceedings were initiated. Accused Mohd. Arif was arrested on 16.04.2025. He was arrested and suffered disclosure statement admitting his involvement in the crime. On his disclosure statement, the petitioner along with co-accused Abdul Samad, Nasir Ahmed and Mohd. Parvez @ Shoaib was nominated as additional accused. The accused Abdul Samad was arrested on 16.04.2025. Accused Nasir Ahmed was arrested on 30.04.2025 and the present petitioner was arrested on 28.10.2025. He suffered disclosure statement admitting his involvement in the crime and got recovered two mobile phones. Subsequently, accused Mohd. Parvez @ Shoaib was also arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The vehicle in question was owned by accused Mohd. Arif and he had no concern with the same. The disclosure statement of the co-accused nominating him cannot be considered to be admissible in evidence. The trial will take considerable time to conclude. No recovery has

2026.PHHC.057104



been effected from him. He is in custody since long. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that the petition deserves to be allowed.

4. Reply and custody certificate have been filed by respondent-State. It is argued by learned State counsel that the allegations against the petitioner are serious. He had not only arranged the vehicle from which the recovery was effected from the co-accused but had also finance the transaction qua purchase of the recovered contraband by paying a sum of Rs. 12,00,000/- in cash to the co-accused to transport the same from Andhra Pradesh. He was maintaining close contact with the co-accused who had travelled to procure the contraband. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

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

2026.PHHC.057104



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 petitioner is alleged to have hired a Verna vehicle owned by co-accused Mohd. Arif on payment of rent at the rate of Rs. 25,000/- per month for the purpose of transporting *ganja* from Andhra Pradesh. He is also alleged to have given money to the co-accused for the purpose of arranging the contraband and get it transported. Though he is alleged to be in close contact with the co-accused, however, there is not material on record in the form of call detail record etc. to show that the petitioner was in contact with the co-accused. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused, from whom recovery of commercial quantity of *ganja* has been effected. In ***Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1***, it was observed by Hon'ble Apex 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. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the NDPS Act does not come in

2026.PHHC.057104



the way of granting bail to the petitioner. The petitioner is in custody since 28.10.2025. No prosecution witness has been examined so far. In such circumstances, the trial is likely to take long time to conclude. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) the petitioner shall upon his release give his mobile phone

2026.PHHC.057104



number to concerned IO/SHO and shall keep his mobile phone switch on all times.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.
9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.
10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

16th April, 2026
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No