

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

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**CRM-M-6494-2026(O&M)
DATE OF DECISION: 05.02.2026**

Akash @ Sagar

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr. R .K. Kashyap, Advocate for the petitioner.

Mr. Karan Veer Singh, Sr. DAG, Haryana.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No.478 dated 19.12.2025, under Sections 21 & 29 of NDPS Act, 1985, registered at Police Station Ambala Cantt, District Ambala, Haryana.

2. Learned counsel for the petitioner contended that the petitioner has been named in the disclosure statement of the co-accused namely Manish Thungi, who was also named on the basis of disclosure statement of co-accused namely, Rohit Sachdeva @ Rinku Billa who was apprehended alongwith co-accused Lakhan Sonkar from whose pocket 13.53 grams of heroin was recovered; petitioner has not been named in the FIR and no recovery is to be effected from the petitioner. The petitioner has been implicated in the present case solely on the basis of disclosure statement, which is inadmissible in evidence, hence, prayer for grant of anticipatory bail to the petitioner is made.



3. Notice of motion.

4. In pursuance of advance notice, Mr. Karan Veer Singh, Sr. DAG, Haryana, has put in appearance and accepts notice on behalf of respondent/State and submits that the petitioner is involved in 03 more cases under the NDPS Act; the petitioner's name was disclosed by the co-accused namely Munish @ Thungi being the supplier of the recovered contraband; the petitioner is required for custodial interrogation so as to unearth the *modus operandi* of the offence and to collect evidence. Thus, prays for dismissal of present bail petition.

5. Heard.

6. Without commenting on the merits of the case and keeping in view the facts and circumstances of the case, contentions of learned counsel for the parties; gravity of offence and antecedents of the present petitioner, this Court does not find any merit to allow the petition for grant of anticipatory bail to the petitioner.

7. Anticipatory bail is an extraordinary relief, to be granted sparingly, only in exceptional cases deserving of the concession. The grant of such relief becomes even more circumscribed in cases involving serious offences as those alleged in the present case as the Court is required to look beyond the offence in isolation and take into account the surrounding circumstances, including the impact of the crime on society, the likely effect of the grant of anticipatory bail on the societal interest, and the possibility of the accused indulging in similar illegal activities or otherwise impeding a fair investigation or the progress of the trial.



8. Recently, Hon'ble Apex Court in **Srikant Upadhyay v. State of Bihar, 2024 INSC 202**, has made the following observation with regard to concession of Anticipatory Bail:-

“We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule..... While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.”

9. The offence of drug peddling or dealing in narcotic substances is not merely a crime against an individual or a simple violation of statutory provisions, but is an offence against society at large. The increasing prevalence of drugs has far-reaching ramifications on the youth, and consequently, on the social fabric. Considering the gravity of the offence and its serious societal repercussions, this Court finds no justification to extend the extraordinary and discretionary relief of anticipatory bail to the petitioner.

10. Moreover, with reference to relief of anticipatory bail in cases under N.D.P.S. Act, Hon'ble Apex Court in “**Anarul S.K. Vs. The State of West Bengal**” (SLP (Crl.) No.12621-2024 has observed that the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue. (In NDPS cases).



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11. In view of the above discussion, the present petition is hereby dismissed.
12. All pending misc. applications, if any, be also disposed of.

05.02.2026
Sonia Puri

(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No