



CRM-M-9652-2026 (O&M) -1-

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

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**CRM-M-9652-2026 (O&M)
Decided on: 27.04.2026**

KISHORE ANJANA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Avneet Singh, Advocate and
Mr. N.S. Lucky, Advocate
for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking grant of regular bail in case bearing FIR No.421 dated 30.11.2025 under Section 18 of NDPS Act, 1985, (Section 27-A of NDPS Act added later on) registered at Police Station Sadar, Fatehabad, District Fatehabad.

2. Brief facts of the case are that on 30.11.2025, the police party apprehended co-accused namely, Hanuman Ram from whom 866 grams of opium was recovered from his possession. Thereafter, on the basis of disclosure statement suffered by the co-accused Hanuman Ram, the present petitioner was nominated alleging that the alleged contraband was procured from the present petitioner.



3. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case solely on the basis of disclosure statement which is not admissible in the eyes of law; the alleged contraband recovered from the possession of the co-accused falls under the category of non-commercial quantity and rigours of Section 37 of NDPS Act would not apply in this case; the petitioner is involved in 02 more cases under the NDPS Act, out of which he is acquitted in one case and he is on bail in another; main accused namely Hanuman Ram, has already been granted the concession of regular bail by the Court of Special Judge, Fatehabad; investigation in the present case has been completed and challan stands presented; the petitioner has been in custody in the present case for the last more than 04 months, therefore, no fruitful purpose would be served by keeping the petitioner behind the bars; trial will take sufficient time to conclude; the petitioner has been in custody since 04.12.2025 and as such, prays for concession of regular bail.

4. Notice of motion.

5. Mr. Surender Singh Pannu, Addl. A.G., Haryana, who is present in Court, accepted notice on behalf of respondent-State, and by way of filing of custody certificate dated 26.04.2026, opposed the concession of regular bail to the petitioner while submitting that the present petitioner has been nominated on the basis of disclosure statement of the co-accused namely Hanuman Ram from whose possession 866 grams of opium was recovered; the petitioner is a habitual



offender and is involved in 02 more cases under the NDPS Act, however, he admitted that in one case he is on bail and he has been acquitted in another.

On a query posed by this Court that as to whether except the disclosure statement, is there any other evidence like Call Details Record (CDR), any bank transactions/ money trail or any recovery from the petitioner to connect the petitioner with the alleged offence or not, on this, learned counsel for the State submitted that except the disclosure statement of co-accused, there is no evidence to link the petitioner with the offence(s) in question.

6. Heard.

7. Taking into consideration the contentions raised by learned counsel for the parties and the facts & circumstances of the present case that the present petitioner has been involved in the present case on the basis of statement of co-accused namely, Hanuman from whom 866 grams of opium was recovered, has already been granted the concession of regular bail by the Court of Special Judge, Fatehabad; and there is no other evidence to link the petitioner with the alleged offence; the contraband in the present case, falls under the category of non-commercial quantity and as such, rigours of Section 37 of NDPS Act would not be attracted in the present case; investigation is complete & challan stands presented; the present petitioner is in custody for the last more than 04 months; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any



further period, as concession of bail cannot be denied just as a measure of punishment as culpability is to be decided by trial Court after appreciating evidence adduced by the parties, and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is **allowed**. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

9. Nothing observed herein shall be construed as an opinion on the merits of the main case.

(SUBHAS MEHLA)
JUDGE

27.04.2026

Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO