

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

2026.PHHC.041784



**108**

**CRM-M-12510-2026**

**Date of decision: 17.03.2026**

**Date of uploading: 17.03.2026**

Manoj Kumar

...Petitioner

V/s

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Kuldeep Singh Saini, Advocate for the petitioner.

Ms. Mahima Yashpal Senior DAG Haryana.

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**SUMEET GOEL, J. (Oral)**

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNSS') in FIR No.01 dated 05.01.2026 registered for offences punishable under Sections 15(c)/61/85 of the NDPS Act at Police Station Sadar Ambala, District Ambala.

2. The case of the prosecution that on 04.01.2026, police patrolling party of the Haryana State Narcotics Control Bureau, headed by SI Sanjay Kumar, received secret information that the petitioner-accused Manoj Kumar, riding a Canter bearing registration No. HP-24E-9027 (Ashok Leyland), would be travelling from Ratlam towards Punjab and would be carrying poppy husk in the said vehicle. It was further informed that the petitioner had presently parked the said Canter at Fouji Dhaba, Village Balana, Ambala, and that poppy straw could be recovered from the vehicle. The aforesaid secret information was reduced into writing and sent to DSP Vijay Kumar through HC Manish Pal. Thereafter, the said Canter was intercepted at Fouji Dhaba, Ambala, where it was found standing unattended without any driver present.

The name of the petitioner was found written on both sides of the vehicle along with his mobile number. In the presence of the owner of Fouji Dhaba and one Suresh Kumar son of Jile Singh, the vehicle was searched and 101 Kg 795 grams of poppy straw/poppy husk was recovered from four plastic sacks which were found concealed beneath the loaded onions. During the course of investigation, CCTV footage from the cameras installed at Fouji Dhaba was also collected. One Shiv Kumar was also joined in the investigation, who disclosed that the petitioner-accused Manoj Kumar had got the onions loaded on 02.01.2026 from Ratlam (Madhya Pradesh) and was scheduled to deliver the same at Ropar. As per the prosecution case, the petitioner was seen taking tea at Fouji Dhaba and had made a payment of ₹15/- through UPI in the account of Raghubir Singh, who had taken the said Dhaba on contract basis. Upon these set of allegations, the instant FIR came to be registered.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR. Learned counsel has further iterated that no recovery whatsoever has been effected from the conscious possession of the petitioner and that he was not present at the spot at the time of the alleged recovery. He has further contended the petitioner is merely owner of the truck in question. Learned counsel has emphasized that there are material contradictions and improvements in the prosecution version & nothing is to be recovered from the petitioner. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation and shall fully cooperate with the investigating agency in case enlarged on pre-arrest bail. On the strength of these submissions, the grant of anticipatory bail is prayed for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of anticipatory bail to the petitioner by submitting that the allegations against the petitioner are grave and serious in nature. According to learned State counsel, the instant case pertains to commercial quantity of contraband recovered upon the secret information. The petitioner was riding the truck in question and is also the owner of the same and, thus, is the principal supplier engaged in the illicit trade of narcotic substances from Ratlam, Madhya Pradesh. Learned State counsel has emphasized that the custodial interrogation of the petitioner is indispensable to unearth the larger nexus and further links of the syndicate indulged in the illegal trade of narcotics. Having regard to the gravity of the offence, the larger public interest in eradicating the menace of drug trafficking and the potential risk to the fair investigation and trial, it is respectfully submitted that the petitioner does not deserve the concession of anticipatory bail. Accordingly, it is prayed that the present petition be dismissed in the interest of justice.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, serious allegations have undeniably been levelled in relation to the commission of offences under the NDPS Act. In the instant case, the recovery effected is of a commercial quantity of poppy husk, which by itself attracts the rigours of Section 37 NDPS Act. The material placed on record *prima facie* indicates an inter-State narcotics network involving procurement from Madhya Pradesh and transportation to Haryana. The petitioner is alleged to be a key link in the chain i.e. the supplier. The petitioner is stated to be riding the truck in question as also owner of the same, from which the alleged recovery has been made. It emerges from the record that on the alleged day of occurrence, acting

upon credible secret information, the police party apprehended a truck/container and recovered commercial quantity of 101 kilograms and 795 grams of poppy husk (Doda Post) — a quantity that squarely falls within the ambit of “commercial quantity” under the NDPS Act, thereby attracting the rigours of Section 37. Though the petitioner was not apprehended at the spot, the allegations against him pertain to criminal conspiracy under Section 29 of the NDPS Act, which does not necessitate physical possession of the contraband. At this stage, no material has been placed on record to demonstrate that the petitioner is completely unconnected with the offence and the possibility of recovery of further contraband or discovery of incriminating material cannot be ruled out.

7. The investigation conducted thus far indicates the involvement of the petitioner in a well-organized network engaged in the illegal trade and distribution of psychotropic substances. The nature and gravity of the offence, coupled with the material collected on record, justify the necessity of custodial interrogation to unravel the larger conspiracy and to identify other potential co-conspirators. The allegations in the FIR, viewed in conjunction with the available evidence, raise serious and substantiated concerns about the possible role of the petitioner in a larger narcotics network, which cannot be brushed aside at this nascent stage of the investigation. The allegations are of a grave and organized nature and the apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses, who may be vulnerable to coercion, does not appear to be unfounded. Having regard to the seriousness of the offence, the crucial stage of investigation, the possibility of tampering with evidence or obstructing justice and the overarching public interest in curbing the menace of drug trafficking, this Court is of the considered view that the petitioner

does not merit the concession of anticipatory bail at this stage. Moreover, given the serious nature of the allegations, the custodial interrogation of the petitioner is indispensable for unearthing the broader conspiracy and identifying other potential accomplices whose identities may be within the exclusive knowledge or possession of the petitioner. The grant of anticipatory bail at this premature stage would, therefore, seriously prejudice the ongoing investigation and may potentially result in tampering with evidence or influencing material witnesses. Furthermore, the criminal antecedents of the petitioner are a relevant consideration while assessing the likelihood of repetition of offence and the necessity of custodial interrogation. The apprehension expressed by the prosecution that the petitioner may evade investigation or frustrate the process cannot be said to be wholly unfounded, especially considering the alleged role attributed to him in the supply chain.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also for reaching impact of such alleged iniquities on society. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***], the Supreme Court held as under, relevant whereof reads as under:

*“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such*

*a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”*

At this stage, there is no material on record to suggest that a *prima facie* case is not made out against the petitioner. On the contrary, the material collected during the course of investigation appears to establish a reasonable basis for the accusations levelled against him. In such circumstances, the grant of anticipatory bail at this stage would not be appropriate, as it is likely to cause serious impediment to the ongoing and effective investigation.

9. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, custodial interrogation of the petitioner may be necessary to trace the source of supply of contraband & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

11. Pending application(s), if any, shall also stand disposed off.

**(SUMEET GOEL)**  
**JUDGE**

March 17, 2026  
*Naveen*

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |