



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-14466-2026 (O&M)

Gopal ...Petitioner

Versus

State of Haryana ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	05.05.2026
2	The date when the judgment is pronounced	06.05.2026
3	The date when the judgment is uploaded on the website	06.05.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sachian Kaushik, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 308 dated 04.08.2025, registered under Sections 20(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 238(b) of BNS at Police Station Gohana City, District Sonipat.
2. Brief facts of the case relevant for the disposal of the present petition are that on 04.08.2025, on the basis of a secret information, co-accused

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Manoj was apprehended by a police party by conducting a raid and recovery of 01 kg. 105 grams of Charas was effected from him. Since he could not produce any valid license or permit to keep in his possession the recovered contraband, he was formally arrested at the spot. Upon interrogation, he disclosed that he had purchased the recovered contraband from co-accused Partap Singh @ Pardeep, who was also nominated in this case and was arrested on 08.08.2025. Co-accused Manoj also disclosed that he had sold 100 grams of Charas to the present petitioner. On the basis of the same, the petitioner was also nominated in this case and was arrested on 10.08.2025. Investigation now stands completed and challan has been filed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. No subsequent recovery has been effected from him. There is nothing on record to show that the petitioner was involved in the subject crime in any manner with the co-accused. He is not involved in any other case under the NDPS Act. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time as only one out of total twenty three prosecution witnesses has been examined so far. The petitioner has been in custody since long. No useful purpose would be served by keeping him in custody anymore. Co-accused Partap Singh @ Pardeep, against whom there were graver allegations, has already been granted concession of regular bail by this Court. On parity, the petitioner too deserves to be given the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

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4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail as Section 37 of the NDPS Act would be attracted in this case. Trial is going on at a proper pace. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

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 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 case of the prosecution is that the name of the petitioner was disclosed by the above named co-accused, from whom recovery of commercial quantity of the contraband was effected. As per his disclosure statement, he had sold 100 grams of contraband to the present petitioner. 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

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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. The petitioner was arrested on 10.08.2025. He is not shown to be involved in any other case under NDPS Act. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time, particularly when most of the witnesses are yet to be examined. Co-accused Partap Singh @ Pardeep has been granted concession of regular bail by this Court. The principle of parity also weighs in favour of the petitioner. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

06.05.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No