



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

CRM-M-13500-2026
Date of decision: 12.03.2026

VIKAS

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Manvinder Sidhu, Advocate for the petitioner.

Mr. Karan Veer Singh, Senior DAG, Haryana.

SUBHAS MEHLA, J. (ORAL)

1. Through the instant petition filed under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023, prayer is for grant of anticipatory bail to the petitioner in case bearing FIR No.0102 dated 21.02.2026 registered under Section 21(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS') at Police Station Sirsa City, District Sirsa.

2. Briefly stated, on 21.02.2026, co-accused, namely, Saurabh and Anil were arrested for keeping 105.64 grams of heroin in their joint possession, which was recovered from the visor of the motor-cycle being driven by co-accused Saurabh, while co-accused Anil was riding pillion. Hence, the FIR was registered. They disclosed that recovered contraband was purchased by them from petitioner.

3. Learned counsel for the petitioner contended that the petitioner has been falsely involved in the present case; the petitioner has been involved in the present case only on the basis of disclosure statement made by co-



accused, which is inadmissible in evidence; except the disclosure statement, there is no evidence available on record to connect the petitioner with the commission of offence; the contraband recovered in the present case falls under the category of intermediate quantity, hence bar of Section 37 of NDPS Act is not attracted; petitioner is not required for custodial interrogation and nothing is to be recovered from him and he is ready to join investigation and co-operate with the investigating agency. As such, learned counsel prayed for relief of anticipatory bail to the petitioner.

4. Learned State counsel opposed the prayer made by the petitioner by submitting that the petitioner is a habitual offender and is involved in four more cases under the NDPS Act, out of which, in one case, he was convicted; custodial interrogation of the petitioner is required for recovery of drug money and to know the source of the recovered contraband. As such, learned State counsel prayed for dismissal of the present petition.

5. Heard.

6. Keeping in view the facts and circumstances of the case and the contentions of learned counsel for the parties that the petitioner was nominated in the present case on the basis of statement made by co-accused being the supplier of contraband; petitioner is involved in four more cases under the NDPS Act, out of which, in one case, he was convicted; custodial interrogation of the petitioner is required for recovery of drug money and to know the source of drug. Accordingly, the petitioner is not entitled to the relief of anticipatory bail.

7. The Hon'ble Supreme Court in case titled as '***CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806***' decided on 03.08.1997, emphasized



the importance of custodial interrogation by holding that many useful informations and concealed materials may be elicited from a suspect in custody, rather than from a suspect who is well-protected by an order of anticipatory bail, in which case, interrogation may be reduced to a mere ritual.

8. Moreover, Hon’ble Supreme 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 under Narcotic Drugs and Psychotropic Substances (NDPS) Act is a very serious issue.

9. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

10. Nothing observed hereinabove shall be construed as an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

March 12, 2026
manisha

(SUBHAS MEHLA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |