

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

2026:PHHC.049110



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CRM-M-17071-2026

Date of decision: 30.03.2026

Date of uploading: 30.03.2026

Anup Kumar Yadav

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rahul Kadian, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

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.83 dated 07.03.2025 registered for offences punishable under Section 18-B of the NDPS Act at Police Station Sadar Jind, District Jind.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in FIR pertaining to NDPS Act involving recovery of 16 kg 306 grams of opium, which was allegedly recovered from the co-accused of the petitioner namely Pappu Choudhary, Ranjit Yadav and Simranjit Singh. The petitioner's name has come in the disclosure statement of the said co-accused.

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. The petitioner has been nominated in the disclosure statement of the co-accused. 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. 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. As per the case set up by the prosecution, strong evidence exists against the petitioner, including disclosure statements of the co-accused. In view of the seriousness of allegations, the nature of

evidence indicating his active complicity, and the requirement of thorough investigation, this Court does not find it to be a fit case for grant of anticipatory bail to the petitioner. 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 30, 2026

Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No