



CRM-M-20008-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-20008-2025
Decided on: 09.03.2026

MOHD. NIYAMAT ALIAS MOHD. NIYAMAT HUSSAIN

.....Petitioner

Versus

STATE OF HARYANA AND ANR

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Nikhil Ghai, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J.

1. Present petition has been filed under Section 482 of BNSS of 2023, for issuance of direction to the arresting officer/Ld. Trial Court at Gurugram, to release the petitioner on bail in the event of his arrest, in case, DDR No.19 dated 25.09.2024, (now complaint COMA No.21 of 2024) titled as "State through Drugs Control Officer vs Yusuf Khan and others" for offences u/s 18-A, 18-B, 27(d), 18(c), 27(b)(ii), 17B(e), 27(a) and 27(c) read with Section 36AB of the Drugs and Cosmetics Act, 1940, registered at P.S. Sadar, District Gurugram. (Now the Ld. Trial Court has taken cognizance u/s 18B punishable u/s 27(d), 17B(d) and 17B(e) punishable u/s 27-A and 27-C and u/s 18(c) punishable u/s 27(b)(ii) of the Drugs and Cosmetics Act 1940, vide order dated 20.12.2024 (Annexure P-9).

2. On 21.04.2025, following order was passed:-

“2. *Learned Senior counsel for the petitioner, inter alia, contends that the complaint has been*



instituted after conducting the investigation/inquiry by the Drug Inspector. It is on the basis of the final report that the complaint has been instituted by levelling the allegations of committing the offences under the Drugs and Cosmetics Act, 1940.

3. *Further submits that custodial interrogation of the petitioner is not going to serve any purpose to the prosecution because the case depends upon the documentary evidence. Despite the investigation having been started on 25.09.2024, vide DDR No.19, it was never thought appropriate to arrest the petitioner. However, petitioner is ready to join the process of law by putting an appearance before the Court, if he is protected from arrest. Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.*

4. *Notice of motion.*

5. *On advance notice, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, puts in appearance on behalf of the respondent – State, and seeks some time to file status report in the matter.*

6. *Adjourned to 07.07.2025.*

7. *It is clarified that if the petitioner surrenders before the concerned Court below, within a period of ten days from today, he would be released on interim bail, till the next date of hearing, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

8. *Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.*

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.”

3. Continuing his submissions, learned counsel for the petitioner contends that in compliance of the order dated 21.04.2025 passed by this Court, petitioner has already appeared before the concerned Court below, on 29.04.2025.



Order dated 29.04.2025 passed by learned Additional Sessions Judge, Gurugram, has been produced by counsel for the petitioner, and same is taken on record. Registry is directed to tag the same at the appropriate place on the file.

Thus, counsel for the petitioner submits that there is no necessity to subject the petitioner for custodial interrogation, as he has been summoned in pursuance to the complaints filed by the respondents and also ready to join the proceedings before the Court below, till the final adjudication of the matter.

4. On the other hand, learned State counsel refers to the status report dated 16.09.2025 which is already appended with the present petition, and submits that in view of the grounds mentioned in paragraph No.6, concession of anticipatory bail cannot be granted to the petitioner. Thus, he prays for dismissal of the present petition.

5. Heard learned counsel for the parties.

6. Since, petitioner has already complied with the order dated 21.04.2025 passed by this Court, by putting appearance before the concerned Court, and no reason expressed by learned State counsel as to for what reason, petitioner should be subjected to custodial interrogation by putting him behind bars, ad-interim bail order dated 21.04.2025, passed by this Court is hereby made absolute. Accordingly, present petition is allowed.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.



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7. Accordingly, petition stands disposed of.

However, present order would be subject to the submission of passport of the petitioner to the Investigating Agency or to Court concerned, if he possesses, within a period of one week from today. Otherwise, he would submit an affidavit, disclosing the fact that he does not possess any passport.

It is clarified that in case, aforesaid condition is not complied with, this order would be considered as *non est* automatically.

(SANJAY VASHISTH)
JUDGE

09.03.2026
Lavisha

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