

2026:PHHC:057263



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

215

**CRM-M No.18781 of 2026
Date of Decision: 16.04.2026**

Ankit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sandeep Kumar Tada, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No.44 dated 24.01.2025 registered under Section 20(b) (ii) (C) of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') (Sections 25, 27 and 29 of NDPS Act and Section 347(1) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") added later on) at Police station Kharkhoda, District Sonipat.

2. As per the allegations, on 23.01.2025, a secret information was received to the effect that the accused Rakesh @ Jaildar was engaged

2026:PHHC:057263



in the business of sale of Ganja and at that very point of time also, he was present under the Rohan flyover near Peer Baba Chowk in a Scorpio vehicle along with contraband and could be apprehended. Believing the secret information to be true, a raiding party was immediately formed which reached at the informed place and recovered 1 Oppo phone, cash amount of Rs.7,000/- and 117 Kg. 57 grams of Ganja kept in plastic envelope. The recovered articles and contraband were taken into police custody. The above named Rakesh was formally arrested. On interrogation, he suffered disclosure statement admitting his involvement in the subject crime and also that the petitioner and co-accused Dharam Singh had procured the recovered contraband along with him. The petitioner and co-accused Dharam Singh were accordingly nominated as such. The petitioner was arrested on 19.03.2025. The co-accused were also arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he was not named in the FIR and has been falsely implicated on the basis of disclosure statement of co-accused which cannot be considered to be admissible in evidence. He is in custody since long. No recovery has been effected at his instance. He is not required for further investigation. The trial will take considerable time to conclude. He is not involved in any other case. It is, therefore, argued that he deserves to be released on bail.

4. Notice of motion.

5. Mr. Neeraj Poswal, AAG, Haryana has advance notice of the

2026:PHHC:057263



petition and is ready to argue the matter. While placing on record custody certificate, it is argued by him that the allegations against the petitioner are serious in nature. Commercial quantity of contraband had been recovered from Scorpio vehicle which was purchased by the petitioner from one Kamal. The rigors of Section 37 of NDPS Act are attracted qua him. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have purchased a Scorpio vehicle from one Kamal and it is that very vehicle from which the alleged recovery of contraband was effected. The petitioner was admittedly not present at the spot at the time of recovery and it was the co-accused Rakesh who was the occupant of the vehicle. Though it is submitted by learned Assistant Advocate General, Haryana that the vehicle belongs to the petitioner, however, no document showing that the abovementioned vehicle had been registered/legally transferred in favour of the petitioner, has been produced on record.

8. 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

2026:PHHC:057263



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 NDPS Act.

9. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused Rakesh @ Jaildar, from whom recovery of commercial quantity of contraband has been effected. As per his disclosure statement, he had sourced the contraband along with the 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 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 is in custody since 19.03.2025. Challan has been presented. The trial will take time. Though it is alleged that he had purchased the Scorpio vehicle from which recovery had been effected from its registered owner Kamal, however, admittedly, no registered document qua transfer of the same has been procured by the investigating agency to show that the petitioner had purchased the same. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a

2026:PHHC:057263



punishment. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his permanent address as well as present address before the learned trial Court at the time of furnishing of bonds and shall not change the same without informing the trial Court.
- (vi) he shall also give details of his mobile phone number(s) to the learned trial Court at the time of furnishing of bonds and in case, any change in his mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance and shall keep his mobile phone switch on all times.

2026:PHHC:057263



- 10. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.
- 11. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

16.04.2026
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No