

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

2026:PHHC:074240



1. CRM-M-19553-2026 (O&M)

Aarif ...Petitioner

Versus

State of Haryana ...Respondent

2. CRM-M-20098-2026 (O&M)

Sanjay Sharma ...Petitioner

Versus

State of Haryana ...Respondent

3. CRM-M-20124-2026 (O&M)

Sharwan ...Petitioner

Versus

State of Haryana ...Respondent

Date of decision : 12.05.2026

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. L. M. Gulati, Advocate
for the petitioner in CRM-M-19553-2026.

Mr. Keshav Pratap Singh, Advocate
for the petitioner in CRM-M-20098-2026.

Mr. Nonish Kumar, Advocate
for the petitioner in CRM-M-20124-2026.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of abovementioned three

petitions as they arise out of the same FIR and seek similar relief.

2. Prayer in these petitions, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioners in case bearing FIR No. 0017 dated 07.01.2026, registered under Sections 22(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Karnal Sadar, District Karnal.

3. Brief facts of the case relevant for the disposal of the present petitions are that on 07.01.2026, on the basis of a secret information, co-accused Sadiq, while coming from Uttar Pradesh on a motorcycle bearing registration No. HR06J-7456, was apprehended by a police party and recovery of 470 intoxicant tablets of Adnoc-N containing Buprenorphine was effected from him. Since he could not produce any valid license or permit to keep in his possession the recovered drugs, he was formally arrested at the spot. Upon interrogation, he disclosed that he had purchased the recovered contraband from petitioner Aarif, who was also nominated in this case and was arrested on 09.01.2026. Petitioner Aarif suffered disclosure statement admitting his involvement in the subject crime and also disclosed that he used to purchase intoxicant tablets from petitioners Sharwan and Sanjay Sharma. On the basis of the same, both these petitioners were nominated as accused in this case and were arrested on 11.01.2026. Investigation is still pending.

4. It is argued by learned counsel for the petitioners that they were neither found at the spot nor were named in the FIR. They have been nominated in this case on the basis of the disclosure statements suffered by the co-accused, which cannot be considered to be admissible in evidence. No recovery has been effected from them. They have clean antecedents. There is nothing on record to show that the petitioners were involved in the subject

crime in any manner with the co-accused Sadiq, from whom the alleged recovery was effected. Even otherwise, investigation is still pending and challan has not yet been filed, which means it will take considerable time in conclusion of trial. The petitioners are in custody since long. No useful purpose would be served by keeping them in custody anymore. They are not required for any further custodial interrogation. Therefore, it is urged that the petitions deserve to be allowed and the petitioners deserve to be released on regular bail.

5. Separate replies have been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioners, they are not entitled to get benefit of bail as Section 37 of the NDPS Act would be attracted in this case. It is, thus, argued that the petitions are liable to be dismissed.

6. This Court has heard the rival submissions.

7. 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.

8. The case of the prosecution is that the name of petitioner Aarif was disclosed by the above named co-accused Sadiq, from whom recovery of commercial quantity of the contraband was effected. As per his disclosure statement, he had sourced the contraband from petitioner Aarif. Further, the implication of petitioners Sharwan and Sanjay Sharma is based on the disclosure statement of co-accused Aarif with the allegations that he used to purchase the intoxicant tablets from these petitioners. 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 statements against the petitioners will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioners. The petitioners have been in custody since 09/11.01.2026. There is nothing on record, at this stage, to connect the petitioners either with the subject crime or to show that they were connected with the main accused in any manner at the relevant time. Investigation has not yet been completed, which goes to show that conclusion of trial is likely to take a long time. The petitioners have clean antecedents. 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 petitioners in custody anymore. Accordingly, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their 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 petitioners are found involved in any other subsequent case.

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

10. Let a photocopy of this order be placed on the files of the connected cases.

12.05.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No