

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:062461



218

CRM-M-20736-2026 (O&M)
Date of decision:23.04.2026

Vikram Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sushil Sheoran, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant petition has been preferred by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for grant of regular bail in case arising out of FIR No.663 dated 30.12.2024 registered under Sections 20-B (II) (C), 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act (for short “NDPS Act”) at Police Station Bhiwani Sadar, District Bhiwani.

2. As per the allegations, on 30.12.2024, on receipt of a secret information to the effect that the accused Kuldeep @ Somi was indulged in the business of sale of intoxicating substances and had stored huge quantity of the same in his house and that the said contraband could be recovered from his house, a raiding party was formed which reached at the house of the accused Kuldeep @ Somi. He was found standing outside his house and was

apprehended. After completion of due formalities, his premises were checked and 10 plastic bags containing total 51 KGs 834 Grams of Ganja were recovered from the same which was taken into possession by the Police. The accused Kuldeep @ Somi was formally arrested.

3. As per the further allegations, the accused Kuldeep @ Somi suffered disclosure statement on the basis of which the petitioner along with co-accused Vikram Singh son of Maida Ram and Virender @ Biru were nominated and arrested. They too suffered disclosure statements admitting their involvement in the crime. During the course of further investigation, bank account detail of the petitioner was collected and it was found that an amount of Rs.70,000/- was transferred by him in the bank account of Manju i.e. mother of co-accused Rahul Sana. The call detail records of cellphones of the accused Kuldeep @ Somi, Vikram son of Maida Ram, Karusana Khara and present petitioner were also collected and it was revealed that they were in contact with each other during the period from 17.12.2024 to 28.12.2024. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was not named in the FIR. No recovery has been effected from him. He is not required for further investigation. Trial will take considerable time to conclude. His antecedents are clean. No useful purpose would be served by detaining him in custody anymore. The co-accused Virender @ Biru and Rahul @ Sana have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is, therefore, argued that the petition

deserves to be allowed.

4. Per contra, learned State counsel has argued that the allegations against the petitioner are serious in nature. He is a habitual offender and is involved in 02 more cases under the NDPS Act. There are chances of his committing similar offences or absconding if extended benefit of bail. The petitioner and the co-accused were in contact with each other from 17.12.2024 to 28.12.2024. It is, therefore, argued that the petition does not deserve to be extended the benefit of bail.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The petitioner has been nominated in this case on the basis of the disclosure statement made by the co-accused. No recovery has been effected from him. Though, as per the status report, some call detail records showing the fact that the petitioner and the co-accused were in continuous contact with each other through their cellphones, however, in the absence of transcript of the said call detail records, no inference as to the petitioner being involved in the business of sale of contraband can be drawn. It is also a matter of evidence as to whether the transfer of sum of Rs.70,000/- by the petitioner in the bank account of the mother of the co-accused accused can be considered to be drug money or not? The petitioner is in custody for over a period of 01 year, 03 months and 15 days. 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 has been effected from the petitioner. The petitioner was arrested on 11.01.2025. There is nothing on record, at this stage, to connect the petitioner either with the subject crime or to show that he was connected with the co-accused in any manner at the relevant time. Investigation has been completed. Conclusion of trial would take considerable time as 08 out of the 24 witnesses have been examined so far. The co-accused have already been granted concession of bail by this Court. 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 petitioner in custody anymore. Taking into consideration the above discussed facts but without meaning to make any comments on the merits of the case lest the same prejudice the trial in any manner, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent-State to seek redressal by filing an application seeking cancellation of bail.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

23.04.2026

harjeet

Whether speaking/reasoned :

Whether reportable :

Yes/No

Yes/No

(MANISHA BATRA)
JUDGE