

2026:PHHC:052959



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

Date of Decision: 07.04.2026.

108 CRM-M-24958-2025

RohtashPetitioner.
VERSUS
State of Haryana and anotherRespondents.

WITH

210 CRM-M-5079-2026

AmardeepPetitioner.
VERSUS
State of Haryana and anotherRespondents.

AND

270 CRM-M-12449-2026

Kinder PalPetitioner.
VERSUS
State of Haryana and anotherRespondents.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Jitender Dhanda, Advocate and
Ms. Suman Sagar, Advocate
for the petitioner (in CRM-M-24958-2025).

Mr. Bikram Chaudhary, Advocate
for the petitioner (in CRM-M-5079-2026).

Mr. Raman Chawla, Advocate
for the petitioner (in CRM-M-12449-2026).

Mr. Parveen Kumar, Additional Advocate General, Haryana
for respondent No.1-State of Haryana.

Mr. Sourabh Goel, Special Public Prosecutor
for respondent No.2-NCB.

SANJAY VASHISTH, J. (Oral)

Petitioner-Rohtash (in CRM-M-24958-2025), petitioner-Amardeep (in CRM-M-5079-2026) and petitioner-Kinder Pal (in CRM-M-12449-2026), have filed the aforementioned three petitions under Section 483 BNSS, 2023, seeking regular bail in NCB Crime No.18/2024 dated 03.09.2024 under Sections 8, 18, 27A and 29 of NDPS Act, 1985, NCB, Chandigarh and Complaint No.40 of 2025, instituted on 28.02.2025 in the Court of Special Judge (NDPS Act), Hisar.

2. As per allegations in the complaint filed by Narcotics Control Bureau (for short, 'NCB'), at about 10:15 hours, a secret information was received on 03.09.2024 by SI Vivek Kumar, NCB, Chandigarh, that three persons namely Kinder Pal, Amardeep and Rohtash (all three petitioners herein) are coming from Jharkhad with large quantity of Opium in a Ciaz car bearing registration No.HR-98G-5103. Secret information further revealed that accused persons would be crossing Geeta Chowk, Hansi, Hisar at about 1830 to 2000 hours on 03.09.2024. When the *Naka* was installed at about 1915 hours, a ciaz car was seen coming from Rohtak side and when the said car was intercepted, it was found occupied by the petitioners and petitioner-Rohtash was driving the same. After taking all the required steps under law, the car was searched and 12 packets from the dashboard of the car containing total 6 Kgs of opium were recovered.

3. As pointed out by Mr. Jitender Dhanda, Advocate representing petitioner-Rohtash that as per the case of NCB, *Panchnama* was prepared on the spot and statement of the accused persons under Section 67 of NDPS Act, were recorded. As per the statement made by petitioner-Kinder Pal, opium has been brought from Jharkhand and all three of them have their equal share

in the contraband.

However, other two accused/petitioners namely Rohtash and Amardeep denied the allegations of having any share in the recovered opium.

As per the case of the NCB itself, petitioner-Kinder Pal was found recorded as registered owner of the car.

4. Counsel for the petitioner(s) further argues that all the accused are inside jail since 03.09.2024. Thus, instant petitions have been filed for their release on bail.

5. Before addressing the arguments, Mr. Raman Chawla, Advocate representing petitioner-Kinder Pal submits that he be allowed to withdraw the petition (CRM-M-12449-2026) at this stage.

Accordingly, petition (CRM-M-12449-2026) is ordered to be **disposed of having been withdrawn at this stage.**

6. As regards the other two accused (petitioners-Rohtash and Amardeep), it is being argued that charges were framed on 04.10.2025 and there is a list of total 23 prosecution witnesses, but till date none of the prosecution witnesses, has been examined. It is also admitted position even by Mr. Sourabh Goel, learned Special Public Prosecutor, that none of these two petitioners, were earlier recorded as accused in any other case under NDPS Act or any other criminal case.

Mr. Jitender Dhanda, Advocate further points out that the prosecution story is completely concocted version and nothing else, as no one can imagine that the car would reach at 1830 to 2000 hours on 03.09.2024 at Geeta Chowk, Hansi and as per the secret information received by SI Vivek Kumar, the car reached at about 1915 hours.

7. On being asked by the Court, learned Special Public Prosecutor

could not point out any investigation done in regard to verify the fact that the recovered contraband actually was brought from Jharkhand as the Investigating Team never visited there to contact any person whose names were disclosed by the arrested accused. However, Mr. Sourabh Goel, relies upon the Call Details Record and then submits that there are numerous calls exchanged between Pradeep (in the State of Bihar) and accused Kinder Pal. To establish strong relationship between accused Amardeep and accused Kinder Pal, he also relies upon their number of call details also.

8. I have considered the submissions made by learned respective counsels for petitioners-Rohtash and Amardeep and perused the record.

As per the case of the NCB itself, in the statement recorded under Section 67 of the NDPS Act, accused-Kinder Pal has almost admitted of bringing the contraband from the State of Bihar. However, no such statement was ever made by accused-Rohtash and Amardeep (petitioners herein). Out of total 23 prosecution witnesses, none has been examined till date. No other case is found to have been registered against any of these petitioners under NDPS Act or under any other provisions of criminal law. The recovered contraband of opium (6 Kgs) is from the dashboard of the car, which is owned by accused-Kinder Pal.

Not only this, the recovery since is effected from the dashboard of the car, raises a valid argument for other two accused (petitioners-Rohtash and Amardeep) that they were not even in the knowledge of the contraband, which was lying in the dashboard of the car as it was neither visible nor noticeable, while occupying seat in the car. Though on this issue no comments are warranted in the proceedings of the instant bail petition, as same would be upon the prosecution for proving charges being doubt at

relevant stage.

Therefore, this Court is of the view that until the charges are proved by the prosecution, petitioners-Rohtash and Amardeep need not to be detained any longer inside jail.

9. Accordingly, petitions (CRM-M-24958-2025 and CRM-M-5079-2026) are **allowed** and petitioners namely Rohtash and Amardeep are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

11. It is further made clear that if, in future, the petitioners are found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

12. **Petitions stand disposed of accordingly.**

13. Photocopy of this order be placed on the connected files.

(SANJAY VASHISTH)
JUDGE

07.04.2026
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No