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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.31715 of 2026
Date of decision: 03.07.2026

Jahul

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Afjal Hussain, Advocate,
for the petitioner.

Mr. Gautam Kaile, DAG, Haryana
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
56	25.01.2023	Hodal, District Palwal	20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act')

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2. As per the allegations, on 25.01.2023, on receipt of a secret information to the effect that one canter bearing registration No.HR74B-0549 was to go through the area of Mewat towards Mathura (Uttar Pradesh) and ganja was concealed in that canter which could be recovered, a raiding party was formed which reached in the area of NH-19 Ujina Drain Hodal and laid a barricade. The aforementioned canter was found coming from the area of Kosi Kalan, UP after sometime. The same was stopped by giving signal. The driver of the vehicle stopped the vehicle but managed to flee. On conducting search, several bags of cotton seeds Binola were found kept in the body of the canter. On conducting further search, 19 bags containing 561.750 kgs of ganja were recovered which were taken into custody. The accused Jameel @ Jamil Ahmed was arrested during the course of investigation. He suffered disclosure statement on the basis of which the present petitioner was nominated as a co-accused on the allegations that he had taken the empty canter to Orissa and had assisted in loading the contraband in the said vehicle. The petitioner was arrested on 08.09.2025. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be legally admissible in

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evidence. He was not named in the FIR nor any material has been collected to connect him with the commission of subject offences. The trial will take considerable time to conclude as none out of 41 prosecution witnesses has been examined so far. No recovery has been effected from him. The co-accused has been extended benefit of bail. The case of petitioner is on parity with him and hence, he too deserves to be given the same concession. His antecedents are clean. It is, therefore, argued that he deserves to be extended benefit of bail.

4. Per contra, learned State counsel has argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. This Court has considered the rival submissions.

6. 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

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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.

7. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused. 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 08.09.2025. Challan has been presented. The trial will take time. 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 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:-

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(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.

(v) 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.

8. 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.

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9. 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.

03.07.2026

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No