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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-32295-2026 (O&M)
Date of Decision: 03.07.2026****VIJAY KUMAR****...Petitioner****Vs.****STATE OF PUNJAB****...Respondent****CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Hitesh Chopra, Advocate (Through VC) with
Mr. Amit Kumar, Advocate
for the petitioner.

Ms. Navreet Kaur, AAG, Punjab.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (Section 439 C.P.C) seeking grant of regular bail to the petitioner in FIR No. 186 dated 11.10.2025, registered under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Division No. 2, District Pathankot (Annexure P-1), during the pendency of trial, in the interest of justice.

2. That the present FIR has been registered on the basis of alleged secret information, wherein it is the case of the prosecution that a police party apprehended three persons namely Karan Kumar, Santosh and Sunil Kumar while travelling in a Mahindra vehicle bearing registration No. HP-65-A-9885, and allegedly recovered 7 kilograms of charas from the vehicle. On the basis of the said recovery, FIR was registered. It is further the case of the prosecution that subsequently, on the basis of alleged disclosure statements of the co-accused, certain persons including Suresh Kumar and Devi Lal were nominated vide DDR entries, alleging their involvement as supplier and

vehicle owner respectively. Thereafter, the present petitioner Vijay Kumar was nominated vide DDR No. 18 dated 05.11.2025 on the basis of an alleged disclosure statement of co-accused Suresh Kumar, to the effect that the recovered contraband was intended to be supplied to the present petitioner. The petitioner was thereafter arrested on 13.03.2026.

3. Learned counsel for the petitioner submits that the entire case against the petitioner rests on a bald disclosure statement of a co-accused, which by itself does not constitute substantive evidence and does not lead to any recovery or discovery from the petitioner. No incriminating material such as contraband, money trail, communication records or any other connecting evidence has been recovered or collected during investigation to establish his alleged involvement.

3.1 It is further submitted that the offence under Section 29 of the NDPS Act has been added mechanically, without any material showing meeting of minds, prior agreement or conscious participation of the petitioner in the alleged offence. Mere implication on the basis of a co-accused's disclosure statement, without independent corroboration, is insufficient to constitute "reasonable grounds" under Section 37 of the NDPS Act.

3.2 Learned counsel further submits that the mandatory safeguards under the NDPS Act have been violated, particularly the non-compliance of procedural requirements and absence of independent witnesses at the time of alleged recovery, which casts serious doubt on the prosecution version. It is submitted that the petitioner was neither named in the FIR nor was he present at the spot of alleged recovery. No contraband has been recovered from his possession, residence, vehicle or at his instance. Accordingly, it is prayed that

the petitioner be released on regular bail during the pendency of trial in the interest of justice.

4. Notice of motion.

5. Ms. Navreet Kaur, AAG, Punjab, has put in appearance on behalf of the respondent-State and opposes the prayer for grant of regular bail and submits that the petitioner has been nominated during the course of investigation on the basis of the disclosure statement of a co-accused. It is contended that the case involves recovery of 7 kilograms of charas, which is a commercial quantity, thereby attracting the rigours of Section 37 of the NDPS Act.

6. Be that as it may, without expressing any opinion on the merits of the case, this Court finds that the petitioner has remained in custody for a substantial period. The investigation stands concluded, the challan has already been presented before the learned Trial Court, and the charges have also been framed. Nothing has been recovered from the petitioner. He has been implicated on the disclosure statement of co-accused who too was nominated on the statement of co-accused from whom contraband is allegedly recovered. Co-accused who was having possession of contraband has not made any statement that same was required to be delivered to the petitioner. In these circumstances, and considering that the trial is not likely to conclude in the near future, the continued incarceration of the petitioner would serve no useful purpose.

7. Reliance is placed upon the judgment of the Hon'ble Apex Court in *Dataram Singh v. State of Uttar Pradesh & Another*, 2018 (2) R.C.R. (Criminal) 131, wherein it has been held that grant of bail is the rule and



refusal thereof is an exception, and that a person is presumed to be innocent until proven guilty. It is further submitted that the right to speedy trial forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, and the same has been consistently recognised by the Hon'ble Supreme Court, including in *Balwinder Singh v. State of Punjab & Another* (SLO (CrI.) No. 8523/2024). In the present case, the trial is likely to consume considerable time before reaching its logical conclusion. In these circumstances, continued incarceration of the petitioner would serve no useful purpose, particularly when the trial can be effectively safeguarded by imposing appropriate conditions.

8. Accordingly, the present petition is allowed, and the petitioner is ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaq Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

- 1. The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.*
- 2. The petitioner shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.*
- 3. The petitioner shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event he is in possession of a passport, he shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.*
- 4. The learned Illaq Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the*



petitioner his permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

5. The petitioner shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.

6. The petitioner shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.

7. The petitioner shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. He shall not absent himself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or his unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.

9. Pending application(s), if any, shall stands disposed of.

03.07.2026

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Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No

(VIRINDER AGGARWAL)
JUDGE