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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.32720 of 2025
Date of Decision: 18.02.2026

Ravi Kaushal @ Monu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ruhani Chadha, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
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
15	19.01.2025	Civil Lines Patiala, District Patiala	21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) (27 and 29 of NDPS Act added later on)

2. As per the allegations, on 19.01.2025 on receipt of a secret information to the effect that the accused Onkar Singh was indulged in the business of selling contraband and on that very day also, he was

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having huge quantity of the same and was going towards Krishna colony in his car for the purpose of sale of smack in Patiala and that he could be apprehended, a raiding party was formed which reached at the informed place and laid a barricade. As soon as the informed vehicle reached there, signal was given to stop the same. The driver disclosed his name as Onkar Singh. On conducting search, one black coloured polythene was recovered from the vehicle which was containing 3 kg 500 grams of smack. Apart from this, cash amount of Rs.6,50,000/- was recovered from beneath the conductor seat of the car which was taken into possession. The accused Onkar Singh was formally arrested. On interrogation, he suffered disclosure statement admitting his involvement in the crime and on the basis of the same, the accused Rakesh Kumar @ Kaku was nominated as an accused. He suffered another disclosure statement on the basis of which the present petitioner was also nominated as additional accused. Offence under Section 27 of NDPS Act was added. The accused Onkar Singh also named one Sunil Kumar as the person to whom contraband was supplied by him. The petitioner was arrested on 06.03.2025. He suffered disclosure statement admitting his involvement in the crime by saying that he along with the co-accused had been selling smack in his shop to different customers. Investigation now stands completed.

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 admissible in evidence. No

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recovery has been effected from him. There is no material on record to connect him with the subject offences. The trial will take considerable time to conclude. No useful purpose would be served by keeping him in custody any more. It is, therefore, argued that the petition deserves to be allowed.

4. Per contra, learned Assistant Advocate General, Punjab has argued that the petitioner in connivance with the co-accused had indulged in drug menace and had been actively participating in sale of smack to the persons and earn money. The allegations against him are serious in nature. He is a habitual offender being convicted in two more cases of similar nature and is involved in other cases as well. There are chances of his committing similar offences or absconding, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

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 considered. It is also unequivocally established that, to be granted bail, the accused charged with

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offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the NDPS Act.

7. The petitioner is alleged to have been involved in the business of sale/supply of contraband. The case of the prosecution is that he was nominated on the basis of second disclosure statement of Onkar Singh, from whom recovery of commercial quantity of contraband has been effected. 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 06.03.2025. 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:-

(i) The petitioner shall not directly or indirectly make any

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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 address where he would be residing after release and shall not change the same without informing the trial Court.

(v) He shall upon his release give details of his mobile phone number(s) to the learned trial Court at the time of furnishing of bonds 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.

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.

18.02.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No