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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.34644 of 2025
Date of Decision: 19.01.2026

Manish Kumar ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gurdarshan S.Sidhu, Advocate and
Mr. Aniket Badoni, Advocate,
for the petitioner.

Ms. Himani Arora, 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
22	24.01.2025	Ding, District Sirsa	109(1), 121(1), 122(1), 132 and 324(4) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 15(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’)

2. As per the allegations, on 24.01.2025, on receipt of a secret information to the effect that the co-accused Vikas Kumar and Kishori Lal were indulged in the business of selling poppy husk and on that very day also, they were passing through the area of Fatehabad (Haryana) while carrying huge quantity of poppy husk in their car and were going to

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Punjab and further that they could be apprehended, a raiding party was formed by the police official of Ding, District Sirsa which laid a barricading at Ding Mod. Sometime thereafter, a car bearing registration No.HR44J-4357 was found coming from Fatehabad side. When signal was given to the driver to stop the same, he did not do so and rather hit the car of the police officials who has narrow escape. The driver of the car tried to reverse the vehicle, hit inside of a truck and then tried to flee towards Sirsa. The police party started following them. However, after crossing some distance, two occupants of that car stopped it and fled towards the fields of Village Maujukheda. They could not be apprehended. On conducting search of the vehicle, 75 kg 230 grams of poppy husk was found kept in the rear seat and boot of the car which was taken into possession. The photocopy of identity card of accused Kishori Lal was found lying therein that which too had been taken into custody.

3. During the course of further investigation, it was revealed that the apprehended car was in the name of one Sandeep Nyol. The accused Kishori Lal who had filed an application for grant of anticipatory bail was joined into investigation on 08.04.2025 and suffered disclosure statement admitting his involvement in the crime along with the co-accused and produced original RC of the abovementioned car. On his nomination, the petitioner and co-accused Vikas were nominated as additional accused. The petitioner was arrested on 09.04.2025. On interrogation, he too suffered his disclosure statement admitting his involvement in the crime along with the

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co-accused.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on 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 at his instance. He had no concern with the recovered contraband. The condition of his father is really bad and he is required to take care of him. He does not have any criminal antecedents. The ingredients for commission of either of the offences under the provisions of BNS under which FIR has been lodged are not attracted qua him. His further incarceration would not serve any useful purpose. Investigation and trial will take time. It is, thus, urged that the petition deserves to be allowed.

5. Status report has been filed. Learned Deputy Advocate General, Haryana has argued that the allegations against the petitioner are serious in nature as he along with the co-accused was actively involved in the sale and purchase of contraband. The location of calls of mobile phones of the petitioner as well as the co-accused are found to be in the same area of Bihar as on 21.01.2025. There is bank transactions and CDRs showing his complicity with the co-accused. The recovered contraband is of commercial quantity. The rigors of Section 37 of NDPS Act are attracted. There are chances of petitioner's absconding if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

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7. The petitioner is alleged to be actively involved with the co-accused Kishori Lal and Vikas Kumar in the trade of sale and purchase of poppy husk by purchasing the same from Bihar and selling the same further. Even on the day of incident, he was occupant of another car which was going ahead the car of the co-accused as a pilot car. According to the CDR and tower locations, the petitioner and co-accused were found in the same place at Bihar Jharkhand Border at the relevant time. There are transactions of money between the petitioner and the co-accused Kishori Lal prima facie proving their complicity in the crime. The bail petitions of co-accused Kishori Lal and Vikas are still pending before Coordinate Bench though they have been extended benefit of interim bail. There is nothing on record to show that there would be any undue delay in conclusion of the trial. The apprehension expressed by the respondent-State that the petitioner may abscond cannot be stated to be unfounded at this stage. Taking into consideration the above discussed facts, this Court is of the considered opinion that the petitioner does not deserve to be extended benefit of bail at this stage. Accordingly, the petition is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

19.01.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No