



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

139

CRM-M-48095-2025
Date of decision: 10.03.2026

MOHAMMAD ATIB

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Surjeet Singh Chahal, Advocate
for the petitioner.

Mr. Paras Talwar, Senior DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The instant first petition (wrongly mentioned as 2nd petition) has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 26 dated 18.01.2025, registered under Section(s) 22(c) and 27-A of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Tohana, District Fatehabad.

2. Learned Counsel appearing on behalf of the petitioner contends that the FIR has been registered on the complaint of ASI Surendra Singh. It was stated that on 18.01.2025 when the Police officials were on patrolling duty for crime and drug prevention on a government vehicle, a young man riding a Hero Deluxe motorcycle bearing registration HR-59-F-9346 was

carrying a blue coloured bag. On seeing the police party, he got perplexed and made an attempt to flee. On suspicion, the said person was apprehended and he disclosed his name as Kulwant Singh son of Mukhtiyar Singh. Suspecting of carrying some narcotic substance, a search was conducted after serving notice under Section 50 of the NDPS Act. The search was conducted in the presence of a Gazetted Officer whereupon one mobile phone, one Rs. 500/- currency note and one computerized train ticket were recovered from his pocket while 51 sealed bottles of zing 100 ml Triprolidine Hydrochloride & Codeine Phosphate Syrup (CIREX-T) collectively weighing 6 kg 920 grams were recovered from the said packing. He failed to produce any license or permit for being in possession of the search quantity of the Codeine Phosphate Syrup. The commercial quantity being 1 kg, he was thus apprehended and taken in custody. During interrogation Kulwant Singh made a disclosure statement, admitting that on 18.01.2025, he travelled from his residence to Tohana Railway Station and proceeded from there by train to Bahadurgarh from where he purchased the aforesaid 51 bottles of Zing 100 ml Triprolidine Hydrochloride & Codeine Phosphate Syrup (CIREX-T) from persons namely Kamal and Vinod, both residents of Bahadurgarh, for a sum of Rs. 12,000/-.

3. Consequent upon the said disclosure, co-accused Kulwant Singh was taken to Bahadurgarh for tracing the other co-accused but they could not be located. He, however, retracted from the said version and disclosed the name of actual supplier Ram Singh @ Rama co-accused. He further disclosed that he had transferred a sum of Rs. 6,000/- to the account of Ram Singh via Google Pay and handed over Rs. 6,000/- more in cash.

Pursuant thereto, Ram Singh was also nominated as an accused in the

present case and was arrested on 21.01.2025. Ram Singh @ Rama thereafter made a further disclosure to the effect that he used to supply the said contraband and had purchased the same from the petitioner-Mohammad Atib resident of Old Delhi. Accordingly, the petitioner was also nominated as an accused. A recovery of 50 bottles of Zing 100 ml Triprolidine Hydrochloride and Codeine Phosphate Syrup (CIREX-T) was effected near the Railway track on the disclosure of the petitioner herein. The weight of the said bottles was 6.854 kg. The same was also commercial quantity.

4. Counsel contends that the petitioner has been nominated as an accused in the second disclosure made by the co-accused. He contends that the petitioner is in custody since 23.01.2025 and has already undergone an actual custody of more than 01 year. The trial is still at initial stages and only 02 witnesses out of 22 witnesses have been examined so far. He further contends that the petitioner has clean antecedents and is not involved in any other criminal case.

5. Per contra, learned State counsel contends that during investigation, the petitioner was found to be the main supplier of the Codeine Phosphate Syrup (CIREX-T). He supplied 6.920 kilograms of Codeine to Kulwant Singh who was arrested with the same. Subsequently, at the disclosure of the petitioner, 50 bottles of Codeine were also recovered from near the Railway track. The brand being the same and recovery being substantial and commercial, the relationship of the petitioner and the co-accused stands established. It cannot thus be outrightly said to be a case of false implication. Further, there is no allegation against the Investigating Agency or any other person having an axe to grind against the petitioner herein. He further submits that two witnesses have already been examined

and there is no inordinate delay in proceedings before the trial Court.

6. I have heard learned Counsel appearing on behalf of the respective parties and have taken into consideration that the petitioner is a principal supplier of the Codeine Syrup-contraband to main accused Kulwant Singh from whom 51 bottles had been recovered and further that 50 bottles were additionally recovered at the disclosure of the petitioner which sufficiently links him to the commission of the offence. The recovered quantity is commercial. The custody period is nearly 01 year only. Besides, the proceedings before the trial Court can not be said to be slow as two witnesses have already been examined in the present case.

7. In view of the totality of the circumstances and taking into consideration the heavy recovery, which is nearly 06 times the prescribed commercial quantity, the present petition is dismissed at this stage.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 10, 2026
Vishal Sharma

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