



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

140

CRM-M-47614-2025
Decided on : 23.02.2026

Amit Kumar . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sandeep Saini, Advocate and
Mr. Vineet Sharma, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Amit Kumar	34	26.03.2025	22 & 29 of NDPS Act, 1985 [S. 29 of NDPS Act, added later on]	Shahzad pur	Ambala

2. On the basis of secret information received against main accused – Nitin, he was intercepted and from his possession 480 intoxicant capsules containing Dicyclomine Hydrochloride, Tramadol Hydrochloride and Acetaminophen (SPAS Parvion Plus, B. No. C-240510, Mfg. May 2024, Exp. April 2026) were recovered. Total weight of the capsules was found to be 264 grams as against threshold of non-commercial quantity, i.e. 250 grams under NDPS Act.

3. Learned counsel for petitioner argues that neither name of



petitioner was mentioned in secret information nor in FIR in question. Petitioner has been subsequently nominated only on basis of disclosure statement of arrested accused – Nitin, and there is no other material available with prosecution except said disclosure statement.

4. Learned counsel submits that it is settled proposition of law that no conviction can be recorded solely on basis of a disclosure statement of co-accused, being inadmissible in evidence.

Further submits that nothing has been recovered from possession of petitioner. It is also submitted that though there is one other case against petitioner, however, he is already on bail therein. In present case, petitioner is in custody for about 09 months and 06 days and is not involved in any other case of similar nature under NDPS Act. Thus, in given facts and circumstances, prayer is made for grant of concession of regular bail to petitioner.

5. On the other hand, learned State counsel has filed the custody certificate dated 21.02.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

6. Learned State counsel, while opposing contentions raised on behalf of petitioner, submits that petitioner, though in custody for more than 09 months and 06 days, is not entitled to bail inasmuch as recovered quantity is more than 250 grams, which falls within commercial quantity. Therefore, petitioner is not entitled to bail, particularly in view of statutory bar under Section 37 of NDPS Act.

7. I have considered the rival submissions of learned counsel for



the parties, carefully gone through the material available on record.

8. Considering submissions made by learned counsel for parties and material available on record, it is not disputed that petitioner has not been named in secret information nor in FIR and has been nominated subsequently on basis of disclosure statement of co-accused – Nitin. Admittedly, nothing has been recovered from possession of petitioner.

It is also settled law that disclosure statement of co-accused, by itself, is not a substantive piece of evidence and its evidentiary value is a matter to be examined during trial.

So far as applicability of Section 37 of NDPS Act is concerned, though total quantity recovered is stated to be 264 grams, however, same pertains to capsules and issue as to whether entire weight of capsules is to be considered or only actual content thereof, is also a matter which would require consideration during trial. Besides, petitioner is in custody for a period of about 09 months and 06 days, and is not involved in any other case of similar nature under NDPS Act.

9. Without commenting upon merits of case, and taking into consideration overall facts and circumstances, this Court is of view that petitioner has made out a case for grant of bail.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or



indirectly.

11. Any of the discussion done and recorded here-above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

12. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

13. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

February 23, 2026
J.Ram

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