

2026.PHHC.031476



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-56256-2025 (O&M)

Date of decision: 26th February, 2026

Sunil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Harshita Kalra, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner seeking grant of regular bail in case bearing FIR No. 17 dated 16.01.2025 registered under Sections 22-C and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (*for short* 'NDPS Act') at Police Station Dharuhera, District Rewari, Haryana.

2. As per the allegations, on 16.01.2025, the petitioner was apprehended by the police party while he was coming in a car bearing registration number HR-36-AC-8814 and recovery of 1728 intoxicating capsules containing Tramadol Hydrochloride was effected from him for which he could not produce any valid license or permit. He was formally arrested.

On interrogation, he disclosed that he had purchased the intoxicating capsules from the co-accused Yag Dutt, who was nominated as such. Subsequently, accused Jatinder Singh was also nominated. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, he is having a medical store and had a valid license. He had purchased the recovered tablets on 15.01.2025 against proper invoices/medical receipts from M/s Maa Vaishno Traders. He was arrested on the very next day when he was going to his shop and hence, he was not able to produce those invoices. He is in custody since long. The co-accused Yag Dutt and Jatinder Singh have been extended benefit of bail. He is not required for further investigation. There are no chances of conclusion of trial in near future as none out of 29 witnesses has been examined so far. The co-accused Nitin Goyal had filed a Special Leave Petition seeking regular bail before the Hon'ble Supreme Court, while allowing his petition, specific observations have been made that the bills and invoices produced by him have been examined and have been found to be genuine, vide order dated 23.01.2026 passed in SLP (Cri.) No. 13529/2025. On parity, he too deserves to be released on bail. His continued detention would not serve any useful purpose. Conclusion of trial would take considerable time as no prosecution witness out of total 29 witnesses has been examined so far. With these broad submissions, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has submitted that there are serious allegations against the petitioner, who was found in conscious

possession of commercial quantity of intoxicating tablets without any license. The rigors of Section 37 of the NDPS Act have been attracted in this case. The call detail record of the cell phones of the petitioner and co-accused Yag Dutt, Jatinder Singh and Nitin Goyal have been collected, which shows that they had been talking to each other during the relevant time. It is also submitted in the additional status report that firm M/s Maa Vaishno Traders owned by co-accused Nitin Goyal has been closed down and it is not possible to verify the authenticity of the bill. It is, thus, argued that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner who was admittedly running a medical store under the name of M/s Yadav Medical & General Store was allegedly found in possession of narcotic capsules of commercial quantity kept in his car on 16.01.2025. The case as set up by the respondent-State is that he had failed to produce any invoice or license for the same. The petitioner has relied upon one invoice issued by firm M/s Maa Vaishno Devi Chowk, in his favour on 15.01.2025. In the additional status report, the authenticity of a bill dated 14.01.2025 issued by M/s Medilink, Delhi in favour of M/s Maa Vaishno qua the sale of 7820 tablets of Spasmo Porxyvon Plus has been verified. However, the stand taken by the respondent is that the authenticity of the invoice issued by M/s Maa Vaishno Traders in favour of the firm of the petitioner could not be verified due to fact that the petitioner is in custody and his firm has been closed down. Learned State counsel has also admitted that the bills and

invoices produced by accused Nitin Goyal before the Hon'ble Supreme Court had been examined and as per the status report, the same were genuine. The respondent-State has not taken stand that the bill issued in favour of the firm of the petitioner is not genuine. On a perusal of the status report filed by the State before the Hon'ble Supreme Court, it is clear that the recovered drugs were purchased by accused Nitin Goyal on 14.01.2025 from M/s Medilink, Delhi vide a proper invoice and thereafter, the same was sold by the firm of Nitin Goyal to the firm of the present petitioner, which has not been controverted. Rather this is the stand so taken in that petition. As per Para No.5, the bill in question was not provided by the petitioner at the time of his arrest. However, he has placed a copy of the same on record before this Court as Annexure P-3 and a perusal of the same reveals that on 15.01.2025, he had purchased seven boxes of *Spasmo Proxyvon Plus* capsules from M/s Maa Vaishno Trader, bearing batch number **XZ10408**. The prosecution case is also that on 16.01.2025, seven boxes of *Spasmo Proxyvon Plus* capsules, along with three other boxes of capsules, were recovered from the petitioner, all of which bore the same batch number, i.e. **XZ10408**. Hence, it is prima facie established that the recovered drugs were purchased by the petitioner against valid invoices. In view thereof, it will be matter of trial as to whether the provisions of the NDPS Act are attracted against the petitioner or not? All the co-accused have been extended benefit of bail. Keeping in view the discussion as made above, this Court is of the considered opinion that no useful purpose would be served by detaining the petitioner in custody anymore. 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 Chief Judicial Magistrate/ Duty Magistrate concerned.

7. 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.

[MANISHA BATRA]
JUDGE

26th February, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |