



CRM-M-58449-2025

-1-

142 THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58449-2025

Decided on: 12.03.2026

Deepak Bhagat

..... Petitioner

Versus

State of Haryana through Directorate of Revenue Intelligence
..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Vishnu Vardhan, Advocate for the petitioner
(through VC).

Mr. Sourabh Goel, Special Public Prosecutor, DRI with
Ms. Himanshi Gautam, Advocate for DRI.

Mr.Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J.

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case File No.DRI/DZU/34/ENG-14/2022, under Sections 9, 25, 25(A), 27(A), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 in which complaint NDPS 19/2023 dated 25.01.2023 titled as Directorate of Revenue Intelligence vs. Md. Azam Md. Hahan Rain (Mohammad Azam) and others, has been filed for offences punishable under Sections 8(C), 22(C), 25, 27(A), 28 and 29 of NDPS Act, 1985.

2. Succinctly, the facts of the case are that the Directorate of Revenue Intelligence (hereinafter referred to as the "DRI") received a secret intelligence vide letter dated 26.07.2022 regarding clandestine manufacturing of Ephedrine/Pseudoephedrine or Mephedrone in the factory premises of Shree Murlidhar Industries, Village Bapoli, Tehsil

**CRM-M-58449-2025****-2-**

Radaur, District Yamuna Nagar, Haryana, by taking on lease two Glass Lined Reactors installed in the said factory. It was informed that the manufacturing was started in the afternoon of 22.07.2022 and expected the process to be completed in 6 days in two batches. As per the intelligence, Mohd. Azam had supplied bulk of raw material for manufacturing of the aforesaid drug from Mumbai. Mohit Sawhney was to take share of the output and the total raw material supplied had been made by him by using fake invoices. The co-accused, Wafadaar Gajnafar Hussain was informed to be a chemical trader from Mumbai, who was the mediator between Mohd. Azam, Santosh Singh @ Raju and partners of the firm Shree Murlidhar Industries. On receiving the intelligence, the informed premises were searched by Officers of the DRI on 29.07.2022 and the same continued till 31.07.2022. On conducting search of the factory premises of Shree Murlidhar Industries, 10 drums, containing both dry and wet brown colour material with heavy crystalline settings at bottom were recovered. The DRI Officers collected samples of both the dry and wet brown colour material from each drum and on testing the material, it indicated the presence of Ephedrine (which was later on tested positive for Mephedrone), a controlled substance covered under the Act. In total, 661.75 Kgs. of Mephedrone in wet form was recovered. The drums recovered were marked as AA1 to AA10 and A1 to A10 by the DRI Officers. The manufacturing equipments appeared to be liable for confiscation but as it was not practical to move the same from the factory premises, hence, the factory was sealed. The search of Room Nos.201 to 203 of Daawat Hotel, Radaur, Yamunanagar Road, Barshami,

**CRM-M-58449-2025****-3-**

Ladwa, was conducted on 29.07.2022 and during search, Mohd. Azam and Wafadar Gajnafer Hussain were found in those rooms. Both of them accompanied the DRI Officers to the factory premises of Shree Murlidhar Industries. The residential premises of the partners of Shree Murlidhar Industries were also searched. The statements of the accused were recorded under Section 67 of the Act. The recovered contraband was found to be manufactured in violation of the provisions of the Act. On registration of the complaint, the investigation commenced. During investigation, it was found that accused Santosh Singh @ Raju manufactured 661.75 kilograms of Mephedrone in the said factory with the help of Deepak Bhagat (petitioner) and others. Hence, the petitioner was arrested on 06.07.2023 and the investigating agencies collected various evidences and on completion of the investigation, the challan was presented. The learned trial Court, on framing of the charges, commenced with the trial. The petitioner approached the learned Additional Sessions Judge, Yamuna Nagar praying for grant of bail. However, after hearing both the sides, the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri declined the same vide order dated 13.11.2024. Hence, aggrieved by the said order, the petitioner is before this Court by of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously roped in the present case. It is submitted that the petitioner has been arrayed in this case only on the basis of disclosure statement of the co-accused, despite there being no independent evidence to establish petitioner's involvement in the

**CRM-M-58449-2025****-4-**

alleged offence. He submits that even otherwise, the disclosure statement of the co-accused is not even an admissible evidence. He has submitted that the confessional statements recorded by the police under Section 67 of the NDPS Act, are inadmissible under Section 25 of the Indian Evidence Act. He submits that search of the petitioner was also conducted in violation of Sections 42 and 50 of the NDPS Act. He submits that neither the petitioner was present at the time of alleged search and seizure nor anything has been recovered from him. He has submitted that the petitioner is suffering from Paroxysmal Hemicrania and he needs proper treatment for the same. It is submitted that the petitioner had no knowledge whatsoever regarding the manufacturing of Mephedrone by the co-accused. It is submitted that the premises of company was raided by the DRI from 29.07.2022 to 31.07.2022. The material recovered was tested by the Expert Team of DRI and the recovered material of 661.75 kgs was found to be Ephedrine. However, to their utter shock, after a period of 1½ months, the recovered contraband was declared to be Mephedrone on the basis of another test allegedly carried out by DRI in their laboratory. The petitioner simply being helper in the factory cannot be held responsible for the offence as alleged. It is vehemently contended that the petitioner is behind the bars from the last about 2½ years, however, there is no material progress in the trial and thus, his right of speedy trial is miserably defeated. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted bail.

**CRM-M-58449-2025****-5-**

4. Learned State counsel and learned counsel for respondent-DRI, however, have vehemently opposed the submissions made by learned counsel for the petitioner.

Learned counsel for DRI has drawn the attention of this Court to the reply filed on behalf of Directorate of Revenue Intelligence, Delhi Zonal Unit. He has submitted that the petitioner was one of the chemists/technicians engaged by co-accused Santosh Singh @ Raju at Yamuna Nagar especially for crystallization process of Mephedrone. He submits that voluntary statement of the petitioner was recorded on 22.12.2022 and 05.07.2023 under Section 67 of NDPS Act, wherein he categorically stated that he had travelled alongwith Santosh Singh @ Raju and others to Yamuna Nagar in July 2022 to carry out the manufacturing of Mephedrone at the said factory and Santosh Singh @ Raju was the key handler of the process, and the petitioner alongwith Maram Kumar Bhanu, Dharmendra Pathak and Ashwini Pathak assisted him in preparation, mixing, heating and crystallization of the controlled substance. He submits that presence of the petitioner was proved by the fact that Jaswinder Singh, Supervisor and Naresh Kumar, Boiler operator of Shree Murlidhar Industries indentified the photograph of the petitioner as one of the persons who had come in the factory in July 2022. He further submits that the petitioner is a habitual offender as he is involved in multiple cases regarding manufacturing of Mephedrone. It is contended that in the present case there are total 11 accused, out of them, 01 died and 01 of the co-accused namely, Santosh Singh @ Raju is on bail on the medical ground whereas, rest of the 09 accused are behind the

**CRM-M-58449-2025****-6-**

bars. It is contended that the trial is being delayed by the accused persons only. It is, thus, contended that keeping in view the gravity of the offences, the bail petition deserves to be dismissed.

5. This Court has heard learned counsel for the parties and perused the record with their able assistance. Admittedly, it has been deciphered that DRI on receiving the intelligence on 29.07.2022 had raided the premises of factory. During its raid, 10 drums weighing 661.75 kgs were recovered besides the other raw materials. On testing the same, DRI found that the recovered contraband was Ephedrine. Thereafter, as per the procedure established under the NDPS Act, the recovery memos were made, the recovered material was produced before the learned Magistrate. During investigation, the samples taken were got tested from CRCL. Vide its report dated 16.09.2022, the recovered contraband was found to be Mephedrone. As submitted before this Court, the raw materials recovered from the premises were examined. The call details and whatsapp messages of the accused were verified. The complicity of the petitioner *prima facie* was established. In his voluntary statements recorded on 22.12.2022 and 05.07.2023 under Section 67 of NDPS Act, he categorically stated that he had travelled alongwith Santosh Singh @ Raju and others to Yamuna Nagar in July 2022 to carry out the manufacturing of Mephedrone at the said factory and Santosh Singh @ Raju was the key handler of the process, and the petitioner alongwith Maram Kumar Bhanu, Dharmendra Pathak and Ashwini Pathak assisted him in preparation, mixing, heating and crystallization of the controlled substance. Even presence of the petitioner was also proved by Jaswinder



CRM-M-58449-2025

-7-

Singh, Supervisor and Naresh Kumar, Boiler operator of Shree Murlidhar Industries, who indentified the photograph of the petitioner as one of the persons who had come in the factory in July 2022. The main thrust of all the arguments advanced before this Court by learned counsel for the petitioner is to the effect that the petitioner is only a helper in the said factory. However, there are overwhelming evidences produced by DRI which would show a *prima facie* offence having been committed by the petitioner along with the co-accused. The gravity of the offence having been committed cannot be ignored by this Court. Thus, keeping in view the overall facts and circumstances of the case, the Court is not inclined to grant regular bail to the petitioner at this stage. Resultantly, the bail petition filed by the petitioner, being devoid of any merits, is hereby dismissed.

6. The Court has already directed the trial Court to expedite the trial of the present case in a bail petition filed by the co-accused, vide order dated 10.03.2026 passed in CRM-M-12663-2025, and to conclude the same expeditiously, preferably within six months. However, the petitioner shall be at liberty to approach this Court again in the event, the trial Court fails to conclude the trial within the said period of six months, as directed by this Court.

(RAJESH BHARDWAJ)
JUDGE

12.03.2026
sharmila

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No