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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-60361-2025 (O&M)
Date of decision: 18.03.2026

Pardeep**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Satish Mishra, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 6 dated 05.01.2025, registered under Sections 22(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Kharkhoda, District Sonipat.

3. Brief facts of the case relevant for the disposal of the present petition are that on 05.01.2025, a secret information was received to the effect that one Sunil, who was working at the chemist shop owned by the present petitioner, used to sell intoxicant drugs. Acting on the said information, the co-accused Sunil, while coming on a motorcycle, was apprehended by a police party and recovery of 1503 injections of Pantazocine, 2250 tablets of Alprazolam and 216 capsules of Tramadol was effected from him. Since he could not produce any valid license or permit to keep in his possession the recovered drugs, he was formally arrested at the spot. The motorcycle was also

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taken into possession by the police. He suffered disclosure statement to the effect that he had been working at the chemist shop of the present petitioner, who was indulged in selling intoxicant drugs. He further disclosed that the recovered contraband was given to him by the present petitioner. On the basis of the same, the petitioner was nominated in this case as accused and was arrested on 06.01.2025. He suffered disclosure statement admitting his involvement in selling narcotic drugs and disclosed that he had been running a chemist shop in the name of Om Medical Store near Govt. Hospital, Kharkhoda for about ten years and that he had employed co-accused Sunil on his shop, who had gone to hide the intoxicant drugs but was nabbed by the police on the fateful day. The petitioner also disclosed that he used to purchase the narcotic drugs from one Raj Kumar @ Raji without any invoices. The said person was also nominated as accused in this case. During further investigation, it was revealed that the petitioner himself had got the chassis of the said motorcycle changed. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. Although, he is named in secret information but no overt act is attributed to him. He has been running a chemist shop and has been roped in this case only on account of his failure to pay monthly hegemony to the police. The petitioner has been involved in one more FIR bearing No. 7, which was registered on the same day within a gap of only two hours. Mandatory

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provisions of the NDPS Act were not complied with by the police. The petitioner was not even supplied the grounds of arrest at the time of his arrest, which was in clear violation of his fundamental rights guaranteed under Article 21(1) of the Constitution of India. No subsequent recovery has been effected from the petitioner. The petitioner was not the owner of the said motorcycle. It is further argued that investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time as even charges have not been framed so far. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

5. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail as commercial quantity of contraband has been recovered in this case, which attracts bar contained under Section 37 of the NDPS Act. The petitioner was actively involved in commission of subject crime along with co-accused Sunil, who was working at his chemist shop. It is, thus, urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. As per the allegations, the petitioner along with co-accused Sunil was indulged in selling narcotic drugs. The implication of the petitioner in this case is based on secret information as well as the disclosure statement suffered by co-accused Sunil, from whom the alleged recovery was effected. The petitioner was arrested on 06.01.2025. However, no subsequent recovery has been effected from him. It is not disputed that he was running a chemist shop.

However, it is a matter of evidence as to whether the co-accused was carrying

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intoxicant injections at the instance of the petitioner or not? A perusal of the record reveals that investigation has since been completed and challan has been filed. Conclusion of trial is likely to take time as even charges have not been framed so far. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that the continued detention of the petitioner is not likely to serve any fruitful purpose. There is nothing on record to show that if released on bail, the petitioner will not participate in the trial or will abscond or indulge in similar offences. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court, and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

14. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

18.03.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No