

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-61997-2025****Date of decision: 12.02.2026**

Manish

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Sarvesh Malik, Advocate for the petitioner.

Ms. Shweta Nahata, DAG, Haryana.

AARADHNA SAWHNEY, J (ORAL)

1. By virtue of instant petition filed under Section 483 of BNSS, petitioner, who is accused in case bearing FIR No.283 dated 02.12.2024 registered against him at Police Station Nagina, District Nuh, u/s 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 336(3), 338, 340(2), 238, 318(4) of BNS, 2023 added later on), prays for grant of regular bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

On 02.12.2024, ASI Bijender Kumar of HSNCB along with other police officials were present at Badkali Chowk, Nuh, when they received a secret information that one Sakir and his wife Asma are indulging in illegal sale of banned narcotic drugs, as also that they have kept huge quantity of narcotics in their house. Believing the information to be true, notice under Section 42 NDPS was sent to Police Station Nagina. Gazetted Officer (Mr. Wali Mohammad, SDO, Public Health) Ferozepur Jhirka was called at the spot. Police team reached at the house of Sakir at village Bhadas. On seeing them, a man jumped from the roof of the house and was successful in fleeing away. However, the lady Constable caught



hold of the woman inside the house, who introduced herself as Asma, wife of Sakir. The house was searched and 54 boxes of Acetaminophen, Tramadol HCL & Dicyclomine HCL Capsules Spasmed were recovered. Each box had 240 Capsules and weight of 08 Capsule was 04.25 gram. The total weight of Capsules was found to be 6.885 Kg. The same were identified by the Drug Inspector Harish Kumar and were taken into police possession. Asma could not produce any valid permit or licence and disclosed that her husband Sakir used to bring drugs. After complying with the statutory formalities, a case bearing FIR No.283 dated 02.12.2024, u/s 22(c) of NDPS Act was registered at Police Station Nuh. Asma was produced before the Court and was extended the concession of bail by the then learned Additional Sessions Judge, Nuh in terms of order dated 17.01.2025.

During the course of investigation, the entire record, regarding sale of the above drug was taken from manufacturer, namely, M/s Adelante Life Science Pvt. Ltd, when it came to the notice of the investigating agencies that the drugs had been sold by manufacturer to M/s Sunglow Enterprises, owned by one Prakash son of Purna. Licence of M/s Sunglow Enterprises when checked, which was found not to be issued by the competent authority. Resultantly, Sections 336 (3), 338, 340(2) of BNS were added. When co-accused Alim was arrested, he disclosed the name of Shakeel Ahmad, elaborated upon the roles played by them. Based on the information given by him (Alim), one Ashik Ali owner of CSC Centre was joined in the investigation, who disclosed that Shakeel Ahmed and Alim had come to his center on 30.01.2024 and had applied for a PAN card in the name of Prakash. After collecting the relevant documents from the bank, it also came to the notice of the IO that at the time of opening the bank account, the live photograph of the account holder was taken, who also signed the certain documents. Probe also revealed that live photograph of Shakeel was taken while



of the said firm also revealed that there had been financial transactions from the said account, in the account of Shakeel. Further probe revealed that the documents of M/s Sunglow Enterprises in the name of Prakash had been prepared by Shakeel Ahmed. The bank account and the account opening form also bore photograph of Shakeel. Thus, as per prosecution, both Shakeel and Alim misused documents of one Prakash and set up a false firm under the name and style of Sunglow Enterprises, which in fact did not have any valid licence to sell the drugs. On the strength of the forged drugs licence, the two of them namely, Shakeel and Alim used to procure the prohibited drugs and later used to sell the same illegally. The fake company was set up by them, by showing the Aadhar card and other related documents of Prakash. Investigating agency also searched for Prakash at the mentioned address (Prakash s/o Puran, resident of Village Talashpur Khurd, Post Aligarh, Uttar Pradesh) but no person by the name of Prakash was found to be residing there. Accused Shakeel was arrested on 01.09.2025, who named the petitioner in his disclosure statement and pointed out that Manish (petitioner) had issued the fake e-stamp on 11.02.2024 in the name of Hukam Chand, who had already died on 12.08.2022 and in order to get GST number for Sunglow Enterprises, further a fake rent agreement was also prepared by him (petitioner), who also affixed forged stamp of notary on it and facilitated co-accused in commission of alleged crime. Forged stamp paper of notary was recovered from his shop, which were taken into possession.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case only on the basis of disclosure statement suffered by co-accused Shakeel. He was not named in FIR. He is merely a stamp vendor. Petitioner is not named in the FIR nor is he remotely connected with the present case. Petitioner had no knowledge as to for what purpose, the stamp



a dead person is concerned, the same was issued only after seeing the documents. Petitioner has no criminal past and has been in custody since 26.09.2025 as also in view of the fact that co-accused Alim has already been granted concession of bail by the learned trial Court, lenient view be taken in his (P) favour. With these submissions, he prayed for allowing the present petition.

5. Per contra, while opposing the request for grant of bail, learned State counsel submits that it was the petitioner, who had issued the fake stamp paper and prepared fake rent agreement by affixing forged stamp of notary on it, thus facilitated the co-accused in obtaining GST number for their fake firm. Petitioner had issued e-stamp paper in the name of Hukam Chand, who had already died on 12.08.2022. Dismissal of the petition has been prayed for.

6. In the present case, petitioner was arrested on 26.09.2025 and has been in custody since then. When appreciated in the light of the facts that have been brought on record and taking note of the role attributed to the petitioner as also that he has no criminal antecedent, the Court is of the opinion that no useful purpose would be served by his further detention, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "Bail is a general rule and incarceration is an exception" as held by Hon'ble Supreme Court in **Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.**

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.



(ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.

(iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.

(iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.

(v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

(vi) The petitioner shall not in any manner misuse his liberty.

(vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(viii) The petitioner shall not leave the country without prior permission of the trial Court.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

7. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

12.02.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

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