



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

107

CRM-M-63196-2025 (O&M)
Date of Decision:- 21.01.2026

Ajay Kumar @ Thipliya ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Kushager Goyal, Advocate,
for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. The instant petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been filed for grant of anticipatory bail to the petitioner in case FIR No.244 dated 10.10.2025, registered under Section 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Kalanwali, District Sirsa.
2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case only on the basis of disclosure statement made by co-accused, which is inadmissible in evidence; there are neither any call detail records, nor any money trail/transactions between the petitioner and the co-accused from whom 6.18 miligrams of ‘heroin’ was recovered; except the disclosure statement, no material is available with the prosecution to prove implicity of petitioner in the commission of offence;



CRM-M-63196-2026 (O&M)

(2)

recovered contraband falls under intermediate quantity, and is marginally above small quantity. Qua the other two cases under NDPS Act against the petitioner, in both cases, intermediate quantity of contraband was recovered, marginally above small quantity. Learned counsel placed reliance upon the judgments of Hon'ble Supreme Court in ***Vijay Singh Vs. The State of Haryana, SLP (Crl.) No.1266/2023*** decided on **17.05.2023**; ***Jugraj Singh Vs. State of Punjab, SLP(Crl.) No.9190/2025***, decided on **20.08.2025**; judgment of Hon'ble Division Bench of this Court in ***Sahil Joshi Vs. State of Punjab, CRM-M-51428-2024***, decided on **09.01.2025**, and judgment of a Coordinate Bench of this Court in ***Ramesh Kumar Vs. State of Haryana, CRM-M-50668-2025***, decided on **10.11.2025** and the order passed by this Court granting interim relief to the accused in ***CRM-M-55789-2025, CRM-M-72384-2025***. Hence, learned counsel prayed for anticipatory bail as the petitioner is ready to join the investigation.

3. Notice of motion.

4. Mr. Karan Veer Singh, Sr. DAG, Haryana, who is present in the Court accepts notice on behalf of respondent-State and upon instructions from ASI Krishan Kumar submits that the petitioner is a habitual offender and he is involved in drug trafficking; earlier also, he is involved in two more cases under NDPS Act and this Court while deciding his bail petition i.e. CRM-M-47276-2024, specifically mentioned that if the petitioner indulges in any non-bailable offence, the State may file an application for cancellation of bail before Sessions Court, which shall be at liberty to cancel the same; regarding false implication of the petitioner in the present FIR, the same is registered against him in a span of little more than 1 year as initial FIR was on 14.08.2024 and the present FIR is registered on 10.10.2025. Learned State



counsel contended that if the present petitioner is granted concession of anticipatory bail, it would hamper the investigation as evidence is to be collected for the success of prosecution case and custodial interrogation of the petitioner is required for recovery of drug money as well as to know the source of contraband. Hence, prayed for dismissal of the present petition.

5. Heard.

6. Keeping in view the rival submissions made by learned counsel for the parties, the fact that the present petitioner is a habitual offender and is involved in two more cases under NDPS Act; in one of the cases, he was granted bail by this Court subject to the specific condition that if the petitioner indulges in any non-bailable offence, the State may file an application for cancellation of his bail, this Court is not inclined in favour of granting relief of anticipatory bail to the petitioner. Hon'ble Apex Court in ***Anarul S.K. Vs. The State of West Bengal (SLP (Crl.) No.12621-2024*** has observed that the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue.

7. For proper investigation and to unearth true facts and introduce the details of the cases, custodial interrogation of the petitioner is necessary as recovery of drug money and identification of source of contraband is yet to be done. Hon'ble Supreme Court has emphasised the importance of custodial interrogation in case titled as '***CBI Vs. Anil Sharma, 1997 AIR Supreme Court 63806***' decided on 03.08.1997, by holding that many useful informations and concealed materials may be elicited from a suspect in custody, than a suspect who is well-protected by an order of anticipatory bail, in which case, interrogation may be reduced to a mere ritual. Hence, this Court does not find any merit in the present petition seeking anticipatory bail



CRM-M-63196-2026 (O&M) (4)

of the petitioner, as anticipatory bail is a discretionary relief, which can be granted only in extra-ordinary circumstances, only when it would not impede investigation or progress of the case.

8. In view of the aforementioned discussion, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

9. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court on the merits of the case.

21.01.2026
Geeta

(SUBHAS MEHLA)
JUDGE

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