

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

2026:PHHC:012047



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CRM-M-65590-2025 (O&M)  
Date of decision:28.01.2026

Bhavishya Bhardwaj

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Harjot Goyal, Advocate for  
Mr. Monty Goyal, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

**Manisha Batra, J. (Oral).**

1. Instant petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking concession of regular bail in case bearing FIR No.221, dated 17.09.2025, registered under Sections 22 and 29 of the NDPS Act, at Police Station Divison No.8, Police Commissionerate, Jalandhar.

2. As per the allegations, on 17.09.2025, accused Rishi Kapoor, Jaswinder Singh and Rohit Bhatia were apprehended by the police on the basis of suspicion and recovery of 36,000 intoxicant tablets effected from the conscious possession of each of the above named accused, which was taken into custody. The above named accused were formally arrested. On interrogation, they suffered disclosure statements on the basis of which accused Piyush Arora and Gagandeep Manchanda were nominated

as additional accused on the allegations that they are running a drug racket.

Accused Gagandeep Manchanda was arrested on the same day. Recovery of 77,000 intoxicant tablets of Tramowell-100 SR was effected from him.

3. As per the further allegations, on 18.09.2025, accused Gagandeep Manchanda also suffered disclosure statement to the effect that the recovered contraband had been purchased by him from the present petitioner and as such, the present petitioner was nominated as an additional accused. He was arrested on the same day. It was revealed that he had transferred an amount of Rs.70,000/- in the bank account of one Ms. Soma Raju on 06.09.2025 for the purpose of purchasing of intoxicant tablets. The said Soma Raju is yet to be arrested. Investigation qua the petitioner stands completed.

4. It is argued by learned counsel for the petitioner that he was not named in the FIR and was falsely implicated in this case on the basis of disclosure statement of co-accused, which cannot be considered to be admissible in evidence. He is in custody since 18.09.2025. He is not required for further investigation. Rigors of Section 37 of the NDPS Act are not attracted qua him. Investigation and trial will take considerable time to conclude. No useful purpose would be served by his further incarceration. He has clean antecedents. With these broad submissions, it is argued that the petitioner deserves to be extended the benefit of bail.

5. Status report and custody certificate have been filed. It is argued by learned State counsel that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the benefit of bail.

6. This Court has heard rival submissions made by both the parties.

7. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

8. The case of the prosecution is that the name of the petitioner was disclosed by co-accused-Gagandeep Manchanda, from whom recovery of 77,000 intoxicant tablets has been effected. As per his disclosure statement, he has purchased the recovered contraband from the present petitioner. In **Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1**, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial,

however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the NDPS Act does not come in the way of granting bail to the petitioner. The petitioner is in custody since 18.09.2025. In such circumstances, the trial is likely to take long time to conclude. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor be preventive. The deprivation of liberty has been considered as a punishment. As such, Court is of the considered opinion that a case for release of the petitioner on bail is made out. 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 trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where

he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

9. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent-State to seek redressal by filing an application seeking cancellation of bail.

10. 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.

11. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**28.01.2026**

*harjeet*

**(MANISHA BATRA)  
JUDGE**

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No